The Marine Mammal Commission Compendium of Selected Treaties, International Agreements, and Other Relevant Documents on Marine Resources, Wildlife, and the Environment

Volume II

Pages 1121–2342

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Washington, D.C.

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Abbreviations and Citations

The following list identifies abbreviations and citations used to indicate primary sources of documents in the *Compendium:*

Bevans	*Treaties and Other International Agreements of the United States of America 1776–1949*
Cmnd.	"Command Papers" of the Government of the United Kingdom
ETS	*European Treaty Series*
ILM	*International Legal Materials*
LNTS	*League of Nations Treaty Series*
TIAS	*United States Treaties and Other International Acts Series*
TS	*United States Treaty Series*
UNTS	*United Nations Treaty Series*
UST	*United States Treaties and Other International Agreements*

MULTILATERAL

FISHERIES

Constitution of the Food and Agriculture Organization of the United Nations, Quebec, 1945

Done at Quebec 16 October 1945

Entered into force 16 October 1945

Primary source citation: 12 UST 980, TIAS 4803

CONSTITUTION[1]

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

PREAMBLE

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of:

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions;

securing improvements in the efficiency of the production and distribution of all food and agricultural products;

bettering the condition of rural populations;

and thus contributing toward an expanding world economy;

hereby establish the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization," through which the Members will report to one another on the measures taken and the progress achieved in the fields of action set forth above.

1 This composite text of the constitution of the Food and Agriculture Organization of the United Nations, as amended, certified at Rome 19 November 1958, includes the amendments adopted at the following Sessions by the Conference of the Food and Agriculture Organization of the United Nations: Second, held at Copenhagen, 2–13 September 1946; Third, at Geneva, 25 August–11 September 1947; Fifth and Special, at Washington, 21 November–6 December 1949, and 3–11 November 1950; and Sixth through Ninth, at Rome, 19 November–6 December 1951, 23 November–11 December 1953, 4–25 November 1955, and 2–23 November 1957. Footnote added by the U.S. Department of State.

ARTICLE I

Functions of the Organization

1. The Organization shall collect, analyze, interpret and disseminate information relating to nutrition, food and agriculture. In this Constitution, the term "agriculture" and its derivatives include fisheries, marine products, forestry and primary forestry products.

2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to:

(a) scientific, technological, social and economic research relating to nutrition, food and agriculture;

(b) the improvement of education and administration relating to nutrition, food, and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;

(c) the conservation of natural resources and the adoption of improved methods of agricultural production;

(d) the improvement of the processing, marketing, and distribution of food and agricultural products;

(e) the adoption of policies for the provision of adequate agricultural credit, national and international;

(f) the adoption of international policies with respect to agricultural commodity arrangements.

3. It shall also be the function of the Organization:

(a) to furnish such technical assistance as governments may request;

(b) to organize, in co-operation with the governments concerned, such missions as may be needed to assist them to fulfil the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture and of this Constitution; and

(c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

ARTICLE II

Membership and Associate Membership

1. The original Member Nations of the Organization shall be such of the nations specified in Annex I as accept this Constitution, in accordance with the provisions of Article XXI.

2. The Conference may by a two-thirds majority of the votes cast, provided that a majority of the Member Nations of the Organization is present, decide to admit as an additional Member of the Organization any nation which has submitted an application for membership and a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the time of admission.

3. The Conference may, under the same conditions regarding the required majority and quorum as prescribed in paragraph 2 above, decide to admit as an Associate Member of the Organization any territory or group of territories which is not responsible for the conduct of its international relations upon application made on its behalf by the Member Nation or authority having responsibility for its international relations, provided that such Member Nation or authority has submitted a declaration made in a formal instrument that it will accept on behalf of the proposed Associate Member the obligations of the Constitution as in force at the time of admission, and that it will assume responsibility for ensuring the observance of the provisions of paragraph 4 of Article VIII, paragraphs 1 and 2 of Article XVI, and paragraphs 2 and 3 of Article XVIII of this Constitution with regard to the Associate Member.

4. The nature and extent of the rights and obligations of Associate Members are defined in the relevant provisions of this Constitution and the Rules and Regulations of the Organization.

5. Membership and Associate Membership shall become effective on the date on which the Conference approves the application.

ARTICLE III

The Conference

1. There shall be a Conference of the Organization in which each Member Nation and Associate Member shall be represented by one delegate. Associate Members shall have the right to participate in the deliberations of the Conference but shall not hold office nor have the right to vote.

2. Each Member Nation and Associate Member may appoint an alternate, associates, and advisers to its delegate. The Conference may determine the conditions for the participation of alternates, associates, and advisers in its proceedings, but any such participation shall be without the right to vote except in the case of an alternate, associate, or adviser participating in the place of a delegate.

3. No delegate may represent more than one Member Nation or Associate Member.

4. Each Member Nation shall have only one vote. A Member Nation which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the Conference if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial [2] years. The Conference may, nevertheless, permit such a Member Nation to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member Nation.

5. The Conference may invite any international organization which has responsibilities related to those of the Organization to be represented at its meetings on the conditions prescribed by the Conference. No representative of such an organization shall have the right to vote.

6. The Conference shall meet once in every two years in regular session. It may meet in special session:

(a) if at any regular session the Conference decides, by a majority of the votes cast, to meet in the following year;

(b) if the Council so instructs the Director-General, or if at least one third of the Member Nations so request.

7. The Conference shall elect its own officers.

8. Except as otherwise expressly provided in this Constitution or by rules made by the Conference, all decisions of the Conference shall be taken by a majority of the votes cast.

ARTICLE IV

Functions of the Conference

1. The Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by this Constitution.

2. The Conference shall adopt Rules of Procedure and Financial Regulations for the Organization.

3. The Conference may, by a two-thirds majority of the votes cast, make recommendations to Member Nations and Associate Members concerning questions relating to food and agriculture, for consideration by them with a view to implementation by national action.

4. The Conference may make recommendations to any international organization regarding any matter pertaining to the purposes of the Organization.

[2] Should read "calendar", according to the Director-General's corrigendum. Footnote added by the U.S. Department of State.

5. The Conference may review any decision taken by the Council or by any commission or committee of the Conference or Council, or by any subsidiary body of such commissions or committees.

ARTICLE V

Council of the Organization

1. A Council of the Organization consisting of 24 Member Nations shall be elected by the Conference. Each Member Nation on the Council shall have one representative and shall have only one vote. Each Member of the Council may appoint an alternate, associates and advisers to its representative. The Council may determine the conditions for the participation of alternates, associates and advisers in its proceedings, but any such participation shall be without the right to vote, except in the case of an alternate, associate or adviser participating in the place of a representative. No representative may represent more than one Member of the Council. The tenure and other conditions of office of the Members of the Council shall be subject to rules made by the Conference.

2. The Conference shall, in addition, appoint an independent Chairman of the Council.

3. The Council shall have such powers as the Conference may delegate to it, but the Conference shall not delegate the powers set forth in paragraphs 2 and 3 of Article II, Article IV, paragraph 1 of Article VII, Article XII, paragraph 4 of Article XIII, paragraphs 1 and 6 of Article XIV and Article XX of this Constitution.

4. The Council shall appoint its officers other than the Chairman and, subject to any decisions of the Conference, shall adopt its own rules of procedure.

5. Except as otherwise expressly provided in this Constitution or by rules made by the Conference or Council, all decisions of the Council shall be taken by a majority of the votes cast.

6. To assist the Council in performing its functions, the Council shall appoint a Program Committee, a Finance Committee, a Committee on Commodity Problems and a Committee on Constitutional and Legal Matters. These committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.

ARTICLE VI

Commissions, Committees, Conferences, Working Parties and Consultations

1. The Conference or Council may establish commissions, the membership of which shall be open to all Member Nations and Associate Members, or regional commissions open to all Member Nations and Associate Members whose territories are situated wholly or in part in one or more regions, to advise on the formulation and implementation of policy and to coordinate the implementation of policy.

2. The Conference, the Council, or the Director-General on the authority of the Conference or Council, may establish committees and working parties to study and report on matters pertaining to the purpose of the Organization and consisting either of selected Member Nations and Associate Members or of individuals appointed in their personal capacity because of their special competence in technical matters. Such individuals shall be designated either by the Conference, the Council, selected Member Nations or Associate Members or by the Director-General, as decided by the establishing authority.

3. The Conference, the Council, or the Director-General on the authority of the Conference or Council, shall determine the terms of reference and reporting procedures, as appropriate, of commissions, committees and working parties so established. Such commissions and committees may adopt their own rules of procedure, [3] which shall come into force upon approval by the Director-General, subject to confirmation by the Conference or Council, as appropriate.

[3] Should read "rules of procedure and amendments thereto," according to the Director-General's corrigendum. Footnote added by the U.S. Department of State.

4. The Director-General may establish, in consultation with Member Nations, Associate Members and National FAO Committees, panels of experts, with a view to developing consultation with leading technicians in the various fields of activity of the Organization. The Director-General may convene meetings of some or all of these experts for consultation on specific subjects.

5. The Conference, the Council, or the Director-General on the authority of the Conference or Council, may convene general, regional, technical or other conferences, or working parties or consultations of Member Nations and Associate Members, laying down their terms of reference and reporting procedures, and may provide for participation in such conferences, working parties and consultations, in such manner as they may determine, of national and international bodies concerned with nutrition, food and agriculture.

6. When the Director-General is satisfied that urgent action is required, he may establish the committees and working parties and convene the conferences, working parties and consultations provided for in paragraphs 2 and 5 above. Such action shall be notified by the Director-General to Member Nations and Associate Members and reported to the following session of the Council.

7. Associate Members included in the membership of the commissions, committees or working parties, or attending the conferences, working parties or consultations referred to in paragraphs 1, 2 and 5 above, shall have the right to participate in the deliberations of such commissions, committees, conferences, working parties and consultations, but shall not hold office nor have the right to vote.

ARTICLE VII

The Director-General

1. There shall be a Director-General of the Organization who shall be appointed by the Conference by such procedure and on such terms as it may determine.

2. Subject to the general supervision of the Conference and the Council, the Director-General shall have full power and authority to direct the work of the Organization.

3. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of the Council and shall formulate for consideration by the Conference and the Council proposals for appropriate action in regard to matters coming before them.

ARTICLE VIII

Staff

1. The staff of the Organization shall be appointed by the Director-General in accordance with such procedure as may be determined by rules made by the Conference.

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The Member Nations and Associate Members undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

3. In appointing the staff the Director-General shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of selecting personnel recruited on as wide a geographical basis as is possible.

4. Each Member Nation and Associate Member undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to nondiplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

ARTICLE IX

Seat

The seat of the Organization shall be determined by the Conference.

ARTICLE X

Regional and Liaison Offices

1. There shall be such regional offices as the Director-General with the approval of the Conference may decide.

2. The Director-General may appoint officials for liaison with particular countries or areas, subject to the agreement of the government concerned.

ARTICLE XI

Reports by Member Nations and Associate Members

1. Each Member Nation and Associate Member shall communicate periodically to the Organization reports on the progress made toward achieving the purpose of the Organization set forth in the Preamble and on the action taken on the basis of recommendations made and conventions submitted by the Conference.

2. These reports shall be made at such times and in such forms and shall contain such particulars as the conference may request.

3. The Director-General shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference, together with any reports relating thereto adopted by the Conference.

4. The Director-General may request any Member Nation or Associate Member to submit information relating to the purpose of the Organization.

5. Each Member Nation and Associate Member shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

ARTICLE XII

Relations with the United Nations

1. The Organizations [4] shall maintain relations with the United Nations as a specialized agency within the meaning of Article 57 of the Charter of the United Nations.[1]

2. Agreements defining the relations between the Organization and the United Nations shall be subject to the approval of the Conference.

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[1] Article 57 reads as follows: "1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined, in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

"2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies."

Article 63 reads as follows: "1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

"2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations." [Footnote in the certified copy.]

[4] Should read "Organization", according to the Director-General's corrigendum. Footnote added by the U.S. Department of State.

ARTICLE XIII

Co-operation with Organizations and Persons

1. In order to provide for close cooperation between the Organization and other international organizations with related responsibilities, the Conference may enter into agreements with the competent authorities of such organizations, defining the distribution of responsibilities and methods of co-operation.

2. The Director-General may, subject to any decision of the Conference, enter into agreements with other intergovernmental organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of services, and other related matters, and for interchanges of staff.

3. The Conference may approve arrangements placing other international organizations dealing with questions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the organization concerned.

4. The Conference shall make rules laying down the procedure to be followed to secure proper consultation with governments in regard to relations between the Organization and national institutions or private persons.

ARTICLE XIV

Conventions and Agreements

1. The Conference may, by a two-thirds majority of the votes cast and in conformity with rules adopted by the Conference, approve and submit to Member Nations conventions and agreements concerning questions relating to food and agriculture.

2. The Council, under rules to be adopted by the Conference, may, by a vote concurred in by at least two thirds of the membership of the Council, approve and submit to Member Nations:

(a) agreements concerning questions relating to food and agriculture which are of particular interest to Member Nations of geographical areas specified in such agreements and are designed to apply only to such areas;

(b) supplementary conventions or agreements designed to implement any convention or agreement which has come into force under paragraphs 1 or 2 (a).

3. Conventions, agreements, and supplementary conventions and agreements shall:

(a) be submitted to the Conference or Council through the Director-General on behalf of a technical meeting or conference comprising Member Nations, which has assisted in drafting the convention or agreement and has suggested that it be submitted to Member Nations concerned for acceptance;

(b) contain provisions concerning the Member Nations of the Organization, and such nonmember nations as are members of the United Nations, which may become parties thereto and the number of acceptances by Member Nations necessary to bring such convention, agreement, supplementary convention or agreement into force, and thus ensure that it will constitute a real contribution to the achievement of its objectives. In the case of conventions, agreements, supplementary conventions and agreements establishing commissions or committees, participation by nonmember nations of the Organization that are members of the United Nations shall in addition be subject to prior approval by at least two thirds of the membership of such commissions or committees;

(c) not entail any financial obligations for Member Nations not parties to it other than their contributions to the Organization provided for in Article XVIII, paragraph 2, of this Constitution.

4. Any convention, agreement, supplementary convention or agreement approved by the Conference or Council for submission to Member Nations shall come into force for each contracting party as the convention, agreement, supplementary convention or agreement may prescribe.

5. As regards an Associate Member, conventions, agreements, supplementary conventions and agreements shall be submitted to the authority having responsibility for the international relations of the Associate Member.

6. The Conference shall make rules laying down the procedure to be followed to secure proper consultation with governments and adequate technical preparations prior to consideration by the Conference or the Council of proposed conventions, agreements, supplementary conventions and agreements.

7. Two copies in the authentic language or languages of any convention, agreement, supplementary convention or agreement approved by the Conference or the Council shall be certified by the Chairman of the Conference or of the Council respectively and by the Director-General. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration once the convention, agreement, supplementary convention or agreement has come into force as a result of action taken under this Article. In addition, the Director-General shall certify copies of those conventions, agreements, supplementary conventions or agreements and transmit one copy to each Member Nation of the Organization and to such nonmember nations as may become parties to the conventions, agreements, supplementary conventions or agreements.

ARTICLE XV

Agreements between the Organization and Member Nations

1. The Conference may authorize the Director-General to enter into agreements with Member Nations for the establishment of international institutions dealing with questions relating to food and agriculture.

2. In pursuance of a policy decision taken by the Conference by a two-thirds majority of the votes cast, the Director-General may negotiate and enter into such agreements with Member Nations subject to the provisions of paragraph 3 below.

3. The signature of such agreements by the Director-General shall be subject to the prior approval of the Conference by a two-thirds majority of the votes cast. The Conference may, in a particular case or cases, delegate the authority of approval to the Council, requiring a vote concurred in by at least two thirds of the membership of the Council.

ARTICLE XVI

Legal Status

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member Nation and Associate Member undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

ARTICLE XVII

Interpretation of Constitution and Settlement of Legal Questions

1. Any question or dispute concerning the interpretation of this Constitution, if not settled by the Conference, shall be referred to the International Court of Justice in conformity with the Statute of the Court or to such other body as the Conference may determine.

2. Any request by the Organization to the International Court of Justice for an advisory opinion on legal questions arising within the scope of its activities shall be in accordance with any agreement between the Organization and the United Nations.

3. The reference of any question or dispute under this Article, or any request for an advisory opinion, shall be subject to procedures to be prescribed by the Conference.

ARTICLE XVIII

Budget and Contributions

1. The Director-General shall submit to each regular session of the Conference the budget of the Organization for approval.

2. Each Member Nation and Associate Member undertakes to contribute annually to the Organization its share of the budget, as apportioned by the Conference. When determining the contributions to be paid by Member Nations and Associate Members, the Conference shall take into account the difference in status between Member Nations and Associate Members.

3. Each Member Nation and Associate Member shall, upon approval of its application, pay as its first contribution a proportion, to be determined by the Conference, of the budget for the current financial year.[5]

4. The financial period of the Organization shall be the two calendar years following the normal date for the regular session of the Conference, unless the Conference should otherwise determine.

ARTICLE XIX

Withdrawal

Any Member Nation may give notice of withdrawal from the Organization at any time after the expiration of four years from the date of its acceptance of this Constitution. The notice of withdrawal of an Associate Member shall be given by the Member Nation or authority having responsibility for its international relations. Such notice shall take effect one year after the date of its communication to the Director-General. The financial obligation to the Organization of a Member Nation which has given notice of withdrawal, or of an Associate Member on whose behalf notice of withdrawal has been given, shall include the entire calendar year in which the notice takes effect.

ARTICLE XX

Amendment of Constitution

1. The Conference may amend this Constitution by a two-thirds majority of the votes cast, provided that such majority is more than one half of the Member Nations of the Organization.

2. An amendment not involving new obligations for Member Nations or Associate Members shall take effect forthwith, unless the resolution by which it is adopted provides otherwise. Amendments involving new obligations shall take effect for each Member Nation and Associate Member accepting the amendment on acceptance by two thirds of the Member Nations of the Organization and thereafter for each remaining Member Nation or Associate Member on acceptance by it. As regards an Associate Member the acceptance of amendments involving new obligations shall be given on its behalf by the Member Nation or authority having responsibility for the international relations of the Associate Member.

[5] Should read "current financial period." according to the Director-General's corrigendum. Footnote added by the U.S. Department of State.

ARTICLE XXI

Entry into Force of Constitution

1. This Constitution shall be open to acceptance by the nations specified in Annex I.

2. The instruments of acceptance shall be transmitted by each government to the United Nations Interim Commission on Food and Agriculture, which shall notify their receipt to the governments of the nations specified in Annex I. Acceptance may be notified to the Interim Commission through a diplomatic representative, in which case the instrument of acceptance must be transmitted to the Commission as soon as possible thereafter.

3. Upon the receipt by the Interim Commission of 20 notifications of acceptance, the Interim Commission shall arrange for this Constitution to be signed in a single copy by the diplomatic representatives, duly authorized thereto, of the nations who shall have notified their acceptance, and upon being so signed on behalf of not less than 20 of the nations specified in Annex I, this Constitution shall come into force immediately.

4. Acceptances, the notification of which is received after the entry into force of this Constitution, shall become effective upon receipt by the Interim Commission or the Organization.

ARTICLE XXII

Authentic Texts of Constitution

The English, French and Spanish texts of this Constitution shall be equally authoritative.

ANNEX I

Nations Eligible for Original Membership

Australia
Belgium
Bolivia
Brazil
Canada
Chile
China
Colombia
Costa Rica
Cuba
Czechoslovakia
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
Ethiopia
France
Greece
Guatemala
Haiti
Honduras
Iceland
India
Iran
Iraq
Liberia
Luxembourg
Mexico
Netherlands
New Zealand
Nicaragua
Norway
Panama
Paraguay
Peru
Philippine Commonwealth
Poland
Union of South Africa
Union of Soviet Socialist Republics
United Kingdom
United States of America
Uruguay
Venezuela
Yugoslavia

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1959

Done at Rome 20 November 1959

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MAR–8 1960

The Honorable
THE SECRETARY OF STATE
USA

Please quote:
G/159

SIR,

In accordance with the wish expressed by the Tenth Session of the FAO Conference (31 October to 20 November 1959), I have the honor to transmit herewith a certified statement giving the text of the amendments to the Constitution and the General Rules and Financial Regulations of the Organization which were adopted by that Session of the Conference, as well as the dates on which each amendment was adopted.

I am also enclosing a statement regarding admissions by the Tenth Session of the Conference to membership and associate membership in the Organization, as well as a copy of the relevant resolutions.

Accept, Sir, the assurance of my highest consideration.

B. R. Sen
Director-General

AMENDMENTS TO THE CONSTITUTION, GENERAL RULES AND FINANCIAL REGULATIONS OF THE ORGANIZATION, TO THE RULES OF PROCEDURE FOR THE COUNCIL AND TO THE STATEMENT OF PRINCIPLES RELATING TO CONVENTIONS AND AGREEMENTS, COMMISSIONS AND COMMITTEES

I. *CONSTITUTION*

In Article V.1 of the Constitution, (see Resolution No. 56/59 of 6 November 1959) the number between brackets is to be deleted and the number underlined is to be added:

"A Council of the Organization consisting of [24] twenty-five Member Nations shall be elected by the Conference . . ."

Article XVIII of the Constitution (see Resolution No. 54/59 of 11 November 1959) is to be amended by the addition to that Article of a paragraph 5 worded as follows:

"5. Decisions on the level of the budget shall be taken by a two-thirds majority of the votes cast."

Article XX of the Constitution (see Resolution No. 55/59 of 7 November 1959) is to be amended by the addition of two new paragraphs 3 and 4 as follows:

"3. Proposals for the amendment of the Constitution may be made either by the Council or by a Member Nation in a communication addressed to the Director-General. The Director-General shall immediately inform all Member Nations and Associate Members of all proposals for amendments.

"4. No proposal for the amendment of the Constitution shall be included in the agenda of any session of the Conference unless notice thereof has been dispatched by the Director-General to Member Nations and Associate Members at least 120 days before the opening of the session."

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1961

Done at Rome 24 November 1961

Entered into force 24 November 1961

Primary source citation: 13 UST 2616, TIAS 5229

AMENDMENTS TO BASIC TEXTS OF THE ORGANIZATION, VOLUME I (Issued February 1962)

As the result of the amendments to the Constitution General Rules and Financial Regulations of the Organization and to the Rules of Procedure for the Council adopted by the Eleventh Session of the Conference and the Thirty-Seventh Session of the Council, the texts given below are to be substituted for the texts appearing in the 1960 Edition of Volume I of the Basic Texts of the Organization:

CONSTITUTION

Article III.2

2. Each Member Nation and Associate Member may appoint alternates, associates and advisers to its delegate . . .

Article V.1

1. A Council of the Organization consisting of twenty-seven Member Nations shall be elected by the Conference . . . .

Article VII.1

1. There shall be a Director-General of the Organization who shall be appointed by the Conference for a term of four years.

2. Upon expiry of the term of four years the Director-General may be reappointed for a term of two years. Upon expiry of this term of two years, the Director-General may be reappointed for a further term of two years, after which he shall not be eligible for re-appointment.

3. Appointments and re-appointments under this Article shall be made by such procedures and on such other terms as the Conference may determine.

4. Should the office of Director-General become vacant during any one of the above-mentioned terms of office, the Conference may appoint a successor to serve for the then unexpired portion of that term of office. Such successor may again be appointed or re-appointed in accordance with the provisions of paragraphs 1, 2 and 3 of this Article, provided that the total of his terms of office does not exceed eight years.

(Renumber the two last paragraphs of the present text "5" and "6")

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1963

Done at Rome 5 December 1963

Entered into force 5 December 1963

Primary source citation: 14 UST 2203, TIAS 5506

AMENDMENTS TO BASIC TEXTS OF THE ORGANIZATION VOLUME I (Issued January 1964)

As the result of the amendments to the Constitution, General Rules and Financial Regulations of the Organization adopted by the Twelfth Session of the Conference (December 1963), the texts given below are to be substituted for the texts appearing in the 1960 Edition of Volume I of the Basic Texts of the Organization. A new Edition of that Volume will be issued shortly, incorporating all these amendments as well as those adopted by the Eleventh Session of the Conference (November 1961).

CONSTITUTION

Article VI

1. The Conference or Council may establish commissions, the membership of which shall be open to all Member Nations and Associate Members, or regional commissions open to all Member Nations and Associate Members whose territories are situated wholly or in part in one or more regions, to advise on the formulation and implementation of policy and to coordinate the implementation of policy. The Conference or Council may also establish, in conjunction with other intergovernmental organizations, joint commissions open to all Member Nations and Associate Members of the Organization and of the other organizations concerned, or joint regional commissions open to Member Nations and Associate Members of the Organization and of the other organizations concerned, whose territories are situated wholly or in part in the region.

2. The Conference, the Council, or the Director-General on the authority of the Conference or Council, may establish committees and working parties to study and report on matters pertaining to the purpose of the Organization and consisting either of selected Member Nations and Associate Members, or of individuals appointed in their personal capacity because of their special competence in technical matters. The Conference, the Council, or the Director-General on the authority of the Conference or Council may, in conjunction with other intergovernmental organizations, also establish joint committees and working parties, consisting either of selected Member Nations and Associate Members of the organization and of the other organizations concerned, or of individuals appointed in their personal capacity. The selected Member Nations and Associate Members shall, as regards the Organization, be designated either by the Conference or the Council, or by the Director-General if so decided by the Conference or Council. The individuals appointed in their personal capacity shall, as regards the Organization, be designated either by the Conference, the Council, selected Member Nations or Associate Members, or by the Director-General, as decided by the Conference or Council.

3. The Conference, the Council, or the Director-General on the authority of the Conference or Council, shall determine the terms of reference and reporting procedures, as appropriate, of commissions, committees and working parties established by the Conference, the Council, or the Director-General as the case may be. Such commissions and committees may adopt their own rules of procedure and amendments thereto, which shall come into force upon approval by the Director-General subject to confirmation by the Conference or Council, as appropriate. The terms of reference and reporting procedures of joint commissions, committees and working parties established in conjunction with other intergovernmental organizations shall be determined in consultation with the other organizations concerned.

Article X.1

There shall be such regional offices and sub-regional offices as the Director-General, with the approval of the Conference, may decide.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1965

Done at Rome 9 December 1965

Entered into force 9 December 1965

Primary source citation: 17 UST 457, TIAS 5987

AMENDMENTS TO BASIC TEXTS OF THE ORGANIZATION VOLUME I (Issued March 1966)

As the result of the amendments to the Constitution General Rules of the Organization and Rules of Procedure for the Council adopted by the Thirteenth Session of the Conference (20 November–9 December 1965) and by the Forty-Sixth Session of the Council (9–10 December 1965), the texts given below are to be substituted for the texts appearing in the 1964 Edition of Volume I of the Basic Texts of the Organization. A new Edition of that Volume will be issued shortly, incorporating all these amendments.

CONSTITUTION

Preamble

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of:

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions;

securing improvements in the efficiency of the production and distribution of all food and agricultural products;

bettering the condition of rural populations;

and thus contributing toward an expanding world economy and ensuring humanity's freedom from hunger;

hereby established the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization," through which the Members will report to one another on the measures taken and the progress achieved in the field of action set forth above.

Article V.I

1. A Council of the Organization consisting of thirty-one Member Nations shall be elected by the Conference. Each Member Nation on the Council shall have one representative and shall have only one vote. Each Member of the

Council may appoint alternates, associates and advisers to its representative. The Council may determine the conditions for the participation of alternates, associates and advisers in its proceedings, but any such participation shall be without the right to vote, except in the case of an alternate, associate or adviser participating in the place of a representative. No representative may represent more than one Member of the Council. The tenure and other conditions of office of the Members of the Council shall be subject to rules made by the Conference.

Article V.6

6. To assist the Council in performing its functions, the Council shall appoint a Program Committee, a Finance Committee, a Committee on Commodity Problems, a Committee on Fisheries and a Committee on Constitutional and Legal Matters. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1967

Done at Rome 15 and 21 November 1967

Entered into force 23 November 1967

Primary source citation: 18 UST 3273, TIAS 6421

AMENDMENTS TO THE FAO CONSTITUTION ADOPTED BY THE FOURTEENTH SESSION OF THE CONFERENCE OF THE ORGANIZATION

(Rome, 4-23 November 1967)

(Words between square brackets to be deleted and words underlined to be added)

ARTICLE V

Council of the Organization

1. A Council of the Organization consisting of [thirty-one] thirty-four Member Nations shall be elected by the Conference. Each Member Nation on the Council shall have one representative and shall have only one vote. Each Member of the Council may appoint [an alternate] alternates, associates and advisers to its representative. The Council may determine the conditions for the participation of alternates, associates and advisers in its proceedings, but any such participation shall be without the right to vote, except in the case of an alternate, associate or adviser participating in the place of a representative. No representative may represent more than one Member of the Council. The tenure and other conditions of office of the Members of the Council shall be subject to rules made by the Conference.

Amendments adopted by the Conference on 15 and 21 November 1967 respectively, by Resolutions 12/67 and 13/67.

Amendment to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1969

Done at Rome 24 November 1969

Entered into force 27 November 1969

Primary source citation: 21 UST 1464, TIAS 6902

AMENDMENT TO THE FAO CONSTITUTION ADOPTED BY THE FIFTEENTH SESSION OF THE CONFERENCE OF THE ORGANIZATION

(Rome, 8-27 November 1969)

(Words underlined to be added)

Article XXII

Authentic Texts of Constitution

The Arabic, English, French and Spanish texts of this Constitution shall be equally authoritative.

Amendment adopted by the Conference on
24 November 1969 by Resolution 10/69.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1971

Done at Rome 6–25 November 1971

Entered into force 25 November 1971

Primary source citation: 23 UST 74, TIAS 7274

AMENDMENTS TO THE FAO CONSTITUTION ADOPTED BY THE SIXTEENTH SESSION OF THE CONFERENCE OF THE ORGANIZATION

(Rome, 6–25 November 1971)

ARTICLE V

6. To assist the Council in performing its functions, the Council shall appoint a Programme Committee, a Finance Committee, a Committee on Constitutional and Legal Matters, a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry and a Committee on Agriculture. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.

(Paragraphs 1 to 5 remain unchanged).

ARTICLE VII

1. There shall be a Director-General of the Organization who shall be appointed by the Conference for a term of six years, after which he shall not be eligible for reappointment.

2. The appointment of the Director-General under this Article shall be made by such procedures and on such terms as the Conference may determine.

3. Should the office of Director-General become vacant during the above-mentioned term of office, the Conference shall, either at the next regular session or at a special session convened in accordance with Article III, paragraph 6 of this Constitution, appoint a Director-General in accordance with the provisions of paragraphs 1 and 2 of this Article. However, the duration of the term of office of a Director-General appointed at a special session shall expire at the end of the year of the third regular session of the Conference following the date of his appointment.

(Paragraphs 5 and 6, now renumbered 4 and 5 remain unchanged).

ARTICLE XI

1. All Member Nations and Associate Members shall communicate regularly to the Director-General, on publication, the texts of laws and regulations pertaining to matters within the competence of the Organization which the Director-General considers useful for the purposes of the Organization.

2. With respect to the same matters, all Member Nations and Associate Members shall also communicate regularly to the Director-General statistical, technical and other information published or otherwise issued by or readily available to, the government. The Director-General shall indicate from time to time the nature of the information which would be most useful to the Organization and the form in which this information might be supplied.

3. Member Nations and Associate Members may be requested to furnish, at such times and in such form as the Conference, the Council or the Director-General may indicate, other information, reports or documentation pertaining to matters within the competence of the Organization, including reports on the action taken on the basis of resolutions or recommendations of the Conference.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1973

Done at Rome 16 and 26 November 1973

Amendment to Article V entered into force 16 November 1973; amendment to Article XIV entered into force 26 November 1973

Primary source citation: 25 UST 928, TIAS 7836

Amendments to the FAO Constitution Adopted by the Seventeenth Session of the Conference of the Organization

(Rome, 10–29 November 1973)

(Words between square brackets to be deleted and words underlined to be added)

ARTICLE V

Council of the Organization

1. A Council of the Organization consisting of [thirty-four] forty-two Member Nations shall be elected by the Conference. Each Member Nation on the Council shall have one representative and shall have only one vote. Each member of the Council may appoint alternates, associates and advisers to its representative. The Council may determine the conditions for the participation of alternates, associates and advisers in its proceedings, but any such participation shall be without the right to vote, except in the case of an alternate, associate or adviser participating in the place of a representative. No representative may represent more than one member of the Council. The tenure and other conditions of office of the members of the Council shall be subject to rules made by the Conference.

ARTICLE XIV

Conventions and agreements

1. . . . .

2. . . . .

3. Conventions, agreements, and supplementary conventions and agreements shall:

(a) . . . .

(b) contain provisions concerning the Member Nations of the Organization, and such non-member [Nations] States as are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency which may become parties thereto and the number of acceptances by Member Nations necessary to bring such convention, agreement, supplementary convention or agreement into force, and thus ensure that it will constitute a real contribution to the achievement of its objectives. In the case of conventions, agreements, supplementary conventions and agreements establishing commissions or committees, participation by non-member [Nations] States of the Organization that are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency shall in addition be subject to prior approval by at least two-thirds of the membership of such commissions or committees;

Amendments adopted by Resolutions 8/73 and 10/73 of 16 and 26 November 1973, respectively.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1975

Done at Rome 8–27 November 1975

Entered into force 26 November 1975

Primary source citation: 27 UST 2381, TIAS 8318

AMENDMENTS TO THE FAO CONSTITUTION ADOPTED BY THE CONFERENCE OF THE ORGANIZATION AT ITS EIGHTEENTH SESSION (ROME, 8 - 27 NOVEMBER 1975)

Article V

Council of the Organization

6. In the performance of its functions, the Council shall be assisted by a Programme Committee, a Finance Committee, a Committee on Constitutional and Legal Matters, a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, a Committee on Agriculture and a Committee on World Food Security. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.

Article VI

Commissions, committees, conferences, working parties and consultations

3. The Conference, the Council, or the Director-General on the authority of the Conference or Council shall determine the terms of reference and reporting procedures, as appropriate, of commissions, committees and working parties established by the Conference, the Council, or Director-General as the case may be. Such commissions and committees may adopt their own rules of procedure and amendments thereto, which shall come into force upon approval by the Director-General. The terms of reference and reporting procedures of joint commissions, committees and working parties established in conjunction with other inter-governmental organizations shall be determined in consultation with the other organizations concerned.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1977

Done at Rome 12 November–1 December 1977

Entered into force 29 November 1977

Primary source citation: 29 UST 2868, TIAS 8982

AMENDMENTS TO THE FAO CONSTITUTION ADOPTED BY THE CONFERENCE OF THE ORGANIZATION AT ITS NINETEENTH SESSION (ROME, 12 NOVEMBER - 1 DECEMBER 1977)

Article V

Council of the Organization

1. A Council of the Organization consisting of forty-nine Member Nations shall be elected by the Conference. Each Member Nation on the Council shall have one representative and shall have only one vote. Each member of the Council may appoint alternates, associates and advisers to its representative. The Council may determine the conditions for the participation of alternates, associates and advisers in its proceedings, but any such participation shall be without the right to vote, except in the case of an alternate, associate or adviser participating in the place of a representative. No representative may represent more than one member of the Council. The tenure and other conditions of office of the members of the Council shall be subject to rules made by the Conference.

Article VII

The Director-General

1. There shall be a Director-General of the Organization who shall be appointed by the Conference for a term of six years. He shall be eligible for re-appointment.

3. Should the office of Director-General become vacant prior to the expiry of his term of office, the Conference shall, either at the next regular session or at a special session convened in accordance with Article III, paragraph 6 of this Constitution, appoint a Director-General in accordance with the provisions of paragraphs 1 and 2 of this Article. However, the duration of the term of office of the Director-General appointed at a special session shall expire at the end of the year of the third regular session of the Conference following the date of his appointment.

Article XXII

Authentic texts of the Constitution

The Arabic, Chinese, English, French and Spanish texts of this Constitution shall be equally authoritative.

Amendments to the Constitution of the Food and Agriculture Organization of the United Nations, Rome, 1991

Done at Rome 18 November 1991

Entered into force 18 November 1991

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDMENTS TO THE CONSTITUTION AND THE GENERAL RULES OF THE ORGANIZATION TO ALLOW FOR MEMBERSHIP OF FAO BY REGIONAL ECONOMIC INTEGRATION ORGANIZATIONS

THE CONFERENCE,

Recalling that, at its Ninety-fifth Session, held in June 1989, the Council, after having considered a communication of the Government of Spain regarding the status of the European Economic Community (EEC) with respect to FAO, invited the Director-General to explore the options for a form of membership of FAO for regional economic integration organizations to which their Member States had transferred competence in some fields of activity of the Organization,

Recalling also that, in its Ninety-ninth Session, held in June 1991, the Council agreed to transmit the text of proposed amendments to the Constitution to the Conference for consideration at its Twenty-sixth Session in accordance with paragraphs 3 and 4 of Article XX of the FAO Constitution, and taking into consideration in particular the content of paragraph 260 of the Council Report,

Having considered the text of the amendments to the Constitution and the General Rules of the Organization proposed by the Council in its Ninety-ninth Session as amended on the floor of the Conference:

Decides to amend the Constitution and the General Rules of the Organization as follows:

Constitution

1. Article II of the Constitution is amended by adding after paragraph 2 the following paragraphs:

"3. The Conference may by a two-thirds majority of the votes cast, provided that a majority of the Member Nations of the Organization is present, decide to admit as a Member of the Organization any regional economic integration organization meeting the criteria set out in paragraph 4 of this Article, which has submitted an application for membership and a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the time of admission. Subject to paragraph 8 of this Article, references to Member Nations under this Constitution shall include Member Organizations, except as otherwise expressly provided.

4. To be eligible to apply for membership of the Organization under paragraph 3 of this Article, a regional economic integration organization must be one constituted by sovereign States, a majority of which are Member Nations of the Organization, and to which its Member States have transferred competence over a range of matters within the purview of the Organization, including the authority to make decisions binding on its Member States in respect of those matters.

Commentary

The term transfer of competence in respect of a given subject includes the transfer of treaty-making powers by Member States and means that complete power with respect to that subject is transferred and that no residual power remains with the Member States.

5. Each regional economic integration organization applying for membership in the Organization shall, at the time of such application, submit a declaration of competence specifying the matters in respect of which competence has been transferred to it by its Member States.

6. Member States of a Member Organization shall be presumed to retain competence over all matters in respect of which transfers of competence have not been specifically declared or notified to the Organization.

7. Any change regarding the distribution of competence between the Member Organization and its Member States shall be notified by the Member Organization or its Member States to the Director-General, who shall circulate such information to the other Member Nations of the Organization.

8. A Member Organization shall exercise membership rights on an alternative basis with its Member States that are Member Nations of the Organization in the areas of their respective competences and in accordance with rules set down by the Conference.

9. Except as otherwise provided in this Article, a Member Organization shall have the right to participate in matters within its competence in any meeting of the Organization, including any meeting of the Council or other body, other than bodies of restricted membership referred to below, in which any of its Member States are entitled to participate. A Member Organization shall not be eligible for election or designation to any such body, nor shall it be eligible for election or designation to any body established jointly with other organizations. A Member Organization shall not have the right to participate in bodies of restricted membership specified in the rules adopted by the Conference.

10. Except as otherwise provided in this Constitution or in rules set down by the Conference, and Article III paragraph 4 notwithstanding, a Member Organization may exercise on matters within its competence, in any meeting of the Organization in which it is entitled to participate, a number of votes equal to the number of its Member States which are entitled to vote in such meeting. Whenever a Member Organization exercises its right to vote, its Member States shall not exercise theirs, and conversely."

2. The existing paragraphs 3, 4 and 5 of Article II are renumbered as paragraphs 11, 12 and 13.

3. Article XIV, paragraph 3(b) of the Constitution is amended as follows:

"(b) contain provisions concerning the Member Nations of the Organization, and such non-member States as are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, and regional economic integration organizations, including Member Organizations, to which their Member States have transferred competence over matters within the purview of the conventions, agreements, supplementary conventions and agreements, including the power to enter into treaties in respect thereto, which may become parties thereto and the number of acceptances by Member Nations necessary to bring such convention, agreement, supplementary convention or agreement into force, and thus to ensure that it will constitute a real contribution to the achievement of its objectives. In the case of conventions, agreements, supplementary conventions and agreements establishing commissions or committees, participation by non-member States of the Organization that are members of the United

Words underlined are added

Nations, any of its specialized agencies or the International Atomic Energy Agency or by regional economic integration organizations other than Member Organizations, shall in addition be subject to prior approval by at least two-thirds of the membership of such commissions or committees;"

4. A new paragraph is added after Article XIV, paragraph 3(b) which reads as follows:

"(c) Where any convention, agreement, supplementary convention or agreement provides that a Member Organization or a regional economic integration organization that is not a Member Organization may become a party thereto, the voting rights to be exercised by such organizations and the other terms of participation shall be defined therein. Any such convention, agreement, supplementary convention or agreement shall, where the Member States of the Organization do not participate in that convention, agreement, supplementary convention or agreement, and where other parties exercise one vote only, provide that the organization shall exercise only one vote in any body established by such convention, agreement, supplementary convention or agreement, but shall enjoy equal rights of participation with Member Nations parties to such convention, agreement, supplementary convention or agreement;"

5. The existing paragraph 3(c) of Article XIV is relettered as paragraph 3(d).

6. The last sentence of Article XIV, paragraph 7 of the Constitution is amended as follows:

"7. (...) In addition, the Director-General shall certify copies of those conventions, agreements, supplementary conventions or agreements and transmit one copy to each Member Nation of the Organization and to such non-member States or regional economic integration organizations as may become parties to the conventions, agreements, supplementary conventions or agreements."

7. A new paragraph is added after Article XVIII, paragraph 5, which reads as follows:

"6. A Member Organization shall not be required to contribute to the budget as specified in paragraph 2 of this Article, but shall pay to the Organization a sum to be determined by the Conference to cover administrative and other expenses arising out of its membership in the Organization. A Member Organization shall not vote on the budget."

General Rules of the Organization

8. Paragraph 1 of Rule XIX of the General Rules of the Organization is amended as follows:

"1. Any nation or regional economic integration organization which desires to become a Member of the Organization and any Member Nation or authority which wishes to request admission to associate membership on behalf of a territory or a group of territories for whose international relations it is responsible shall submit an application to the Director-General. This application shall be accompanied or followed by the formal instrument of acceptance of the Constitution required under Article II, paragraph 2, 3 or 11 of the Constitution. This formal instrument shall reach the Director-General not later than the opening day of the Conference session at which the admission of the applicants is to be considered."

9. Paragraph 4 of Rule XIX of the General Rules of the Organization is amended as follows:

"4. The Director-General shall inform the applicant nation or regional economic integration organization of the decision of the Conference. If the application is approved, such notice shall also state the amount of the first contribution."

10. The following Rules are added after Rule XXXIX:

"D. MEMBER ORGANIZATIONS

Words underlined are added

Rule XL

General

The provisions of the General Rules of the Organization applicable to Member Nations shall apply mutatis mutandis to Member Organizations, except as may be otherwise provided in the Constitution or in these General Rules.

Rule XLI

Competence

1. Any Member Nation of the Organization may request a Member Organization or its Member States to provide information as to which, as between the Member Organization and its Member States, has competence in respect of any specific question. The Member Organization or the Member States concerned shall provide this information on such request.

2. Before any meeting of the Organization the Member Organization or its Member States shall indicate which, as between the Member Organization and its Member States, has competence in respect of any specific question to be considered in the meeting and which, as between the Member Organization and its Member States, shall exercise the right to vote in respect of each particular agenda item.

3. In cases where an agenda item covers both matters in respect of which competence has been transferred to the Member Organization and matters which lie within the competence of its Member States, both the Member Organization and its Member States may participate in the discussions. In such cases the meeting, in arriving at its decisions, shall take into account only the intervention of the party which has the right to vote.*

Rule XLII

Arrangements for the Conference

1. The credentials of delegates, alternates, associates and advisers of a Member Organization to sessions of the Conference shall be issued by, or on behalf of, the head of the executive body of the Member Organization concerned.

2. Member Organizations shall not participate in the Credentials Committee, the Nominations Committee or the General Committee or any other body of the Conference dealing with the internal working of the Conference as the Conference may decide.

3. Member Organizations shall not hold office in the Conference or any subsidiary body of the Conference.

Rule XLIII

Arrangements for the Council

Member Organizations shall not hold office in the Council or any subsidiary body of the Council.

*** Commentary**

The above is without prejudice to the question of whether or not the views of the party not having the right to vote shall be reflected in the report of the meeting. Where the views of the party not having the right to vote are reflected in the report, the fact that they are the views of the party not having the right to vote shall also be reflected in the report.

Rule XLIV

Quorum and voting arrangements at meetings of the Conference and Council

1. For the purpose of determining a quorum, as specified in paragraph 2(b) of Rule XII, the delegation of a Member Organization shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought.

2. Member Organizations shall not participate in voting for elective places as defined in paragraph 8(a) of Rule XII.

Rule XLV

Arrangements regarding committees of restricted membership

Member Organizations shall not participate in the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters."

11. The existing part "D" of the General Rules of the Organization is relettered as "E" and the existing Rules XL to XLII are renumbered as Rules XLVI to XLVIII.

(Adopted 18 November 1991)

International Convention for the Northwest Atlantic Fisheries, Washington, 1949

Done at Washington 8 February 1949

*Entered into force 3 July 1950**

Depositary: United States

Primary source citation: 1 UST 477, TIAS 2089

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

* This Convention was terminated on 31 December 1979.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

ARTICLE III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

ARTICLE IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flat-fishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

ARTICLE V

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

ARTICLE VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1 (b) of this Article.

ARTICLE VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

ARTICLE VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:

(a) establishing open and closed seasons;

(b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;

(c) establishing size limits for any species;

(d) prescribing the fishing gear and appliances the use of which is prohibited;

(e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

(a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or

(b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

ARTICLE IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

ARTICLE X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

ARTICLE XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

ARTICLE XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

ARTICLE XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

ARTICLE XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

ARTICLE XV

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

ARTICLE XVI

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

ARTICLE XVII

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Convention.

DONE in Washington this eighth day of February 1949 in the English language.

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1 – That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

Sub-area 2 – That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15′ north latitude.

Sub-area 3 – That portion of the Convention area lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4 – That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

Sub-area 5 – That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) *Sub-area 1* – Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) *Sub-area 2* – Denmark, France, Italy, Newfoundland;

(c) *Sub-area 3* – Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) *Sub-area 4* – Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) *Sub-area 5* – Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

Protocol to the International Convention for the Northwest Atlantic Fisheries, Washington, 1956

Done at Washington 25 June 1956

*Entered into force 10 January 1959**

Primary source citation: 10 UST 59, TIAS 4170

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES SIGNED AT WASHINGTON UNDER DATE OF FEBRUARY 8, 1949

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention is hereinafter referred to as the 1949 Convention, desiring to provide for the holding of annual meetings of the Commission outside North America, agree as follows:

ARTICLE I

Paragraph 5 of Article II of the 1949 Convention is amended to read as follows:

"5. The Commission shall hold a regular annual meeting at its seat or at such other place in North America or elsewhere as may be agreed upon by the Commission."

ARTICLE II

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government party to the 1949 Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the 1949 Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1949 Convention of ratifications deposited and adherences received and of the date this Protocol enters into force.

* This Protocol was terminated on 31 December 1979.

ARTICLE III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the 1949 Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE in Washington this twenty-fifth day of June 1956 in the English language.

Declaration of Understanding Regarding the International Convention for the Northwest Atlantic Fisheries, Washington, 1961

Done at Washington 24 April 1961

*Entered into force 5 June 1963**

Primary source citation: 14 UST 924, TIAS 5380

DECLARATION OF UNDERSTANDING REGARDING THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

1. The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention is hereinafter referred to as the Convention, hereby declare their understanding that the words "fish", "fishes", "fishery", "fisheries", and "fishing" as they appear in the Convention include and apply to mollusks, as well as finny fish.

2. Governments parties to the Convention may become parties to the present Declaration by:

(a) Signature without reservation as to acceptance;

(b) Signature with reservation as to acceptance, followed by acceptance; or

(c) Acceptance.

3. Acceptance shall be effected by written notification to the Government of the United States of America.

4. This Declaration shall enter into force on the date upon which all the Governments parties to the Convention have become parties to this Declaration. Any Government becoming a party to the Convention after this Declaration enters into force shall accept this Declaration, such acceptance to be effective on the same date that such Government becomes a party to the Convention.

5. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all signatures and acceptances of this Declaration and of the date upon which this Declaration enters into force.

6. The original of this Declaration shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

7. This Declaration shall bear the date on which it is opened for signature and shall remain open for signature or acceptance for a period of fourteen days thereafter, following which period it shall remain open for acceptance.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Declaration.

DONE at Washington this twenty-fourth day of April 1961, in the English language.

*This Declaration of Understanding was terminated on 31 December 1979.

Protocol to the International Convention for the Northwest Atlantic Fisheries, Washington, 1963

Done at Washington 15 July 1963

*Entered into force 29 April 1966**

Primary source citation: 17 UST 635, TIAS 6011

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to extend the provisions of the Convention to harp and hood seals, agree as follows:

ARTICLE I

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

ARTICLE III

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depositary Government from all the Contracting Governments participating in the Panel for harp and hood seals.

* This Protocol was terminated on 31 December 1979.

ARTICLE IV

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

ARTICLE V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this fifteenth day of July, 1963 in the English language.

Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, Washington, 1965

Done at Washington 29 November 1965

*Entered into force 19 December 1969**

Primary source citation: 21 UST 567, TIAS 6840

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO ENTRY INTO FORCE OF PROPOSALS ADOPTED BY THE COMMISSION

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of proposals adopted by the Commission, agree as follows:

ARTICLE I

Paragraphs 7 and 8 of Article VIII of the Convention shall be amended to read as follows:

"7. (a) Each proposal made by the Commission under paragraphs 1 or 5 of this Article shall become effective for all Contracting Governments six months after the date on the notification from the Depositary Government transmitting the proposal to the Contracting Governments, except as otherwise provided herein.

"(b) If any Contracting Government participating in the Panel or Panels for the sub-area or sub-areas to which a proposal applies, or any Contracting Government in the case of a proposal made under paragraph 5 above, presents to the Depositary Government objection to any proposal within six months of the date on the notification of the proposal by the Depositary Government, the proposal shall not become effective for any Government for an additional sixty days. Thereupon any other Contracting Government participating in the Panel or Panels concerned, or any other Contracting Government in the case of a proposal made under paragraph 5 above, may similarly object prior to the expiration of the additional sixty-day period, or within thirty days after receiving notice of an objection by another Contracting Government made within such additional sixty days, whichever date shall be the later. The proposal shall become effective for all Contracting Governments except those Governments which have presented objections, at the end of the extended period or periods for objecting. If, however, objections have been presented by a majority of Contracting Governments

* This Protocol was terminated on 31 December 1979.

participating in the Panel or Panels concerned, or by a majority of all Contracting Governments in the case of a proposal made under paragraph 5, the proposal shall not become effective unless any or all of the Contracting Governments nevertheless agree as among themselves to give effect to it on an agreed date.

"(c) Any Contracting Government which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such Government, immediately if the proposal is already in effect, or at such time as it becomes effective under the terms of this Article.

"8. The Depositary Government shall notify each Contracting Government immediately upon receipt of each objection and of each withdrawal of objection, and of the entry into force of any proposal."

ARTICLE II

1. This Protocol shall be open for signature and ratification or approval or for adherence by any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, from all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

ARTICLE III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective powers, have signed this Protocol.

DONE at Washington this twenty-ninth day of November 1965, in the English language.

Protocol to the International Convention for the Northwest Atlantic Fisheries, Relating to Measures of Control, Washington, 1965

Done at Washington 29 November 1965

*Entered into force 19 December 1969 except for Article II, which did not enter into force**

Primary source citation: 21 UST 576, TIAS 6841

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES, RELATING TO MEASURES OF CONTROL

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to provide for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder, agree as follows:

ARTICLE I

Paragraph 5 of Article VIII of the Convention is amended by adding the following:

"and may also, on its own initiative, make proposals for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder."

ARTICLE II

Paragraph 8 of Article VIII of the Convention is amended by adding the following:

"or, in the case of proposals made under paragraph 5 above, from all Contracting Governments."

* This Protocol was terminated on 31 December 1979.

ARTICLE III

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention; provided, however, that Article II of this Protocol shall enter into force only if the Protocol Relating to Entry into Force of Proposals adopted by the Commission, done at Washington on November 29, 1965, has not entered into force and shall, in such case, continue in force only until that Protocol enters into force.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

ARTICLE IV

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective powers, have signed this Protocol.

DONE at Washington this twenty-ninth day of November 1965, in the English language.

Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures, Washington, 1969

Done at Washington 1 October 1969

*Entered into force 15 December 1971**

Primary source citation: 23 UST 1504, TIAS 7432

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND TO REGULATORY MEASURES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949, which Convention as amended is hereinafter referred to as the Convention, desiring to establish a more appropriate basis for the determination of representation on the Panels established under the Convention, and desiring to provide for greater flexibility in the types of fisheries regulatory measures which may be proposed by the International Commission for the Northwest Atlantic Fisheries, agree as follows:

ARTICLE I

Paragraph 2 of Article IV of the Convention shall be amended to read as follows:

"2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation of the stocks of fish in the subarea concerned or on the basis of current substantial exploitation of harp and hood seals in the Convention Area, except that each Contracting Government with coastline adjacent to a subarea shall have the right of representation on the Panel for the subarea."

ARTICLE II

Paragraph 2 of Article VII of the Convention shall be amended to read as follows:

* This Protocol was terminated on 31 December 1979.

"2. Each Panel, upon the basis of scientific investigations, and economic and technical considerations, may make recommendations to the Commission for joint action by the Contracting Governments within the scope of paragraph 1 of Article VIII."

ARTICLE III

Paragraph 1 of Article VIII of the Convention shall be amended to read as follows:

"1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, and economic and technical considerations, transmit to the Depositary Government appropriate proposals, for joint action by the Contracting Governments, designed to achieve the optimum utilization of the stocks of those species of fish which support international fisheries in the Convention Area."

ARTICLE IV

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government which adheres to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

ARTICLE V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this first day of October 1969, in the English language.

Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, Washington, 1970

Done at Washington 6 October 1970

*Entered into force 4 September 1974**

Primary source citation: 25 UST 2716, TIAS 7941

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO AMENDMENTS TO THE CONVENTION

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

Article I

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

"Article XVII

"1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.

"2. A proposed amendment to the Convention shall be adopted by the Commission by a three-fourths majority of the votes of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depositary Government to all Contracting Governments.

"3. Any amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Governments unless any other Contracting Government notifies the

* This Protocol was terminated on 31 December 1979.

Depositary Government that it objects to the amendment, within ninety days of the date on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Government. Any Contracting Government which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of the last withdrawal.

"4. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

"5. The Depositary Government shall Promptly notify all Contracting Governments of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments."

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from three-fourths of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the ninety, and one hundred and twenty, day periods specified in the first sentence of paragraph 3 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this sixth day of October 1970, in the English language.

Convention for the Establishment of an Inter-American Tropical Tuna Commission, Washington, 1949

*Done at Washington 31 May 1949**

Entered into force 3 March 1950

Depositary: United States

Primary source citation: 1 UST 230, TIAS 2044

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

James E. Webb, Acting Secretary of State

Wilbert M. Chapman, Special Assistant to the Under Secretary of State

The President of the Government of Costa Rica:

Mario A. Esquivel, Ambassador Extraordinary and Plenipotentiary of Costa Rica

Jorge Hazera, Counselor of the Embassy of Costa Rica

who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the

* Although this Convention was originally concluded by the Governments of the United States and Costa Rica, it is open to adherence by other nations.

objectives of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.

2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The Commission shall decide on the most convenient place or places for its headquarters.

6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the Chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.

8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.

12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.

13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:

(a) the drafting of programs of investigations, and the preparation of budget estimates for the Commission;

(b) authorizing the disbursement of the funds for the joint expenses of the Commission;

(c) the accounting of the funds for the joint expenses of the Commission;

(d) the appointment and immediate direction of technical and other personnel required for the functions of the Commission;

(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;

(f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;

(h) the performance of such other duties as the Commission may require.

14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the secretary, in either language.

15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.

16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.

2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.

4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.

5. Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.

6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by this Convention, from vessels or persons engaged in these fisheries.

7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

ARTICLE III

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

ARTICLE IV

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Party, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

ARTICLE V

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications.

3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America an instrument of adherence which shall stipulate the effective date thereof. The Government of the United States of America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.

4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.

5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notifications of denunciation received.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May, 1949.

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EMBASSY OF COSTA RICA
WASHINGTON

MARCH 3, 1950.

His Excellency
DEAN ACHESON,
Secretary of State,
Washington, D. C.

N° 1579

EXCELLENCY:

I have the honor to refer to the Convention between the Republic of Costa Rica and the United States of America for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D. C., on May 31, 1949, which entered into force this day, and to inform Your Excellency of the desire of my Government to place on record the understanding of our two Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions and purposes of the Convention under reference, the understanding of my Government in regard to this matter is that which I set forth to you as follows.

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, paragraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government also desires to state that it recognizes as the authentic Spanish text of the Convention that contained in the Convention as signed, but at the same time recognizes that certain of its provisions might have been worded more clearly in the following form:

Article I, paragraph 1.

"The High Contracting Parties agree to establish and maintain a Joint Commission to be known as the Inter-American Tropical Tuna Commission, which will hereinafter be called the Commission, which shall carry into effect the objectives of this Convention. The Commission shall be made up of national sections, each of which shall include from one to four members appointed by the Governments of the respective High Contracting Parties."

Article I, paragraph 3.

"Each of the High Contracting Parties shall determine and pay the expenses incurred by its respective section. The joint expenses incurred by the Commission shall be covered by the High Contracting Parties through contributions in such form and proportion as the Commission may recommend and the High Contracting Parties may approve. The proportion of the joint expenses to be paid by each of the High Contracting Parties shall be in relation to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party."

Article I, paragraph 8.

"Each national section shall have the right to one vote. The decisions, resolutions, recommendations and publications of the Commission must be approved by a unanimous vote.

Article IV.

"Nothing in the Convention shall be interpreted as changing any existing treaty or convention relating to the fisheries of the Eastern Pacific previously signed by one of the High Contracting Parties, nor as preventing a High Contracting Party from entering into treaties or conventions with other States relating to such fisheries, provided their terms are not incompatible with this Convention."

I avail myself of this opportunity to express to Your Excellency my highest consideration.

MARIO ECHANDI

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DEPARTMENT OF STATE
WASHINGTON

March 3, 1950

His Excellency
Señor Don MARIO ECHANDI,
Appointed Ambassador of Costa Rica.

EXCELLENCY:

I have the honor to refer to your note No. 1579 of March 3, 1950 regarding the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, which entered into force this day, and the desire of your Government to place on record the understanding of our Governments with respect to the manner in which certain provisions of

that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions or purposes of the Convention under reference, my Government concurs in the understanding set forth in your note as follows:

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, subparagraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government has also taken note of your statement that certain provisions of the Spanish text might have been more clearly expressed but that your Government recognizes that the authentic Spanish text of the Convention is that contained in the Convention as signed.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON

Agreement Concerning Measures for the Protection of the Stocks of Deep-Sea Prawns (*Pandalus borealis*), European Lobsters (*Homarus vulgaris*), Norway Lobsters (*Nephrops norvegicus*) and Crabs (*Cancer pagarus*), Oslo, 1952

Done at Oslo 7 March 1952

Entered into force 26 January 1953

Depositary: Norway

Primary source citation: 175 UNTS 207

[TRANSLATION]

AGREEMENT BETWEEN THE GOVERNMENTS OF NORWAY, DENMARK AND SWEDEN CONCERNING MEASURES FOR THE PROTECTION OF STOCKS OF DEEP-SEA PRAWNS *(PANDALUS BOREALIS)*, EUROPEAN LOBSTERS *(HOMARUS VULGARIS)*, NORWAY LOBSTERS *(NEPHROPS NORVEGICUS)* AND CRABS *(CANCER PAGURUS)*

The Governments of Denmark, Norway and Sweden, being desirous of concluding an agreement relating to measures for the protection of stocks of deep-sea prawns *(Pandalus borealis)*, European lobsters *(Homarus vulgaris)*, Norway lobsters *(Nephrops norvegicus)* and crabs *(Cancer Pagurus)*, have agreed as follows:

Article 1

The area to which this Agreement applies shall include all waters bounded on the west by a line from Lindesnes light to Hanstholm light and on the east by the 13th meridian east of Greenwich.

Article 2

No vessel may use or have on board any prawn trawl which does not comply with the provisions of article 3 of this Agreement.

Article 3

The minimum size of the mesh of a prawn trawl shall be such that a flat measure 30 mm. wide and 2 mm. thick can be easily passed between the meshes when the trawl is wet and spread out lengthwise.

Article 4

No vessel shall keep on board any Norway lobsters *(Nephrops norvegicus)* under 15 cm. in length measured from the tip of the frontal horn to the anterior fixed side of the middle swimming appendage.

Article 5

The provisions of this Agreement shall not apply to fishery research conducted by, or with the consent of, the public authorities.

Article 6

The Contracting Governments agree to take such action and make such regulations as are necessary to give effect to the provisions of this Agreement, including the provisions which prohibit the landing or selling in their territories of Norway lobsters under the prescribed minimum.

Article 7

A commission shall be set up consisting of two representatives (one representative for scientific research in fishing and one for the fishing industry) from each of the Contracting Parties. The purpose of the commission shall be to attempt to co-ordinate the scientific and practical research conducted by the various countries with regard to stocks of prawns, European lobsters, Norway lobsters and crabs in the area to which the Agreement applies. The commission shall also, on the basis of available information, consider whether there are grounds for modifying existing measures for the protection of stocks of the aforementioned shell-fish or for introducing other measures, and, as the circumstances require, shall make appropriate recommendations to the Contracting Governments. The commission shall itself determine its procedure and when it shall meet. The first meeting of the commission shall be called by the Norwegian Government.

Article 8

This Agreement shall be ratified and shall come into force two months after the instruments of ratification are deposited with the Norwegian Government, which shall inform the Contracting Governments of the deposit of the ratifications and of the date on which the Agreement is to come into force.

Article 9

After three years from its coming into force, this Agreement may be denounced by a notice in writing addressed to the Norwegian Government. The denunciation shall take effect in respect of the Government concerned six months after the date of receipt. Notice of the denunciation shall be given to all the Contracting Parties by the Norwegian Government.

DONE at Oslo on 7 March 1952 in one copy which shall be deposited with the Norwegian Government. The latter shall send certified copies to the Danish and the Swedish Governments.

Protocol to the Agreement Concerning Measures for the Protection of the Stocks of Deep-Sea Prawns (*Pandalus borealis*), European Lobsters (*Homarus vulgaris*), Norway Lobsters (*Nephrops norvegicus*) and Crabs (*Cancer pagarus*), Oslo, 1959

Done at Oslo 14 October 1959

Entered into force 14 October 1959

Primary source citation: Copy of text provided by the United Nations

Protocol Amending the Agreement Concerning Measures for the Protection of the Stocks of Deep-Sea Prawns *(Pandalus borealis)*, European Lobsters *(Homarus vulgaris)*, Norway Lobsters *(Nephrops norvegicus)* and Crabs *(Cancer pagarus)*, Oslo, 7 March 1952

The Governments of Denmark, Norway and Sweden, upon the recommendation of the Danish-Norwegian-Swedish Crustaceans Commission, have agreed that article 4 of the Agreement of 7 March 1952 concerning measures for the protection of deep sea prawns *(Pandalus borealis)*, European Lobsters *(Homarus vulgaris)*, Norway Lobsters *(Nephrops norvegicus)* and Crabs *(Cancer pagarus)* shall be amended by reducing the minimum length for Norway lobsters *(Nephrops norvegicus)* from 15 cm to 13 cm.

This Protocol of amendment shall come into force on the date of signature.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol in one copy. It shall be deposited with the Norwegian Government, which shall send certified copies to the Danish and Swedish Governments.

Done at Oslo on 14 October 1959.

International Convention for the High Seas Fisheries of the North Pacific Ocean, Tokyo, 1952

Done at Tokyo 9 May 1952

*Entered into force 12 June 1953**

Depositary: Japan

Primary source citation: 4 UST 380, TIAS 2786

INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

Therefore agree as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

* This Convention was terminated on 21 February 1993.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

ARTICLE II

1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission."

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

ARTICLE III

1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfills the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures.

(c) In regard to any stock of fish in the Convention area;

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national section of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national section of which participated in the decisions and recommendations.

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII.

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

ARTICLE IV

1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1 (b).

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year,

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programs based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by the Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned.

ARTICLE V

1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

ARTICLE VI

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this convention, such Party shall call the matter to the attention

of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

ARTICLE VII

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE VIII

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

ARTICLE IX

1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

ARTICLE X

1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In

that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

ARTICLE XI

1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional process and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

IN WITNESS WHEREOF, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

DONE in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

Annex

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)
The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)
The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North America origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus kisutch, Oncorhynchus nerka, Oncorhynchus tschawytscha*)
The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters names below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus kisutch, Oncorhynchus nerka and Oncorhynchus tschawytscha*)
The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58′22.59″ West Longitude; thence due south to a point 65°15′00″ North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Tokyo, 1952

Done at Tokyo 9 May 1952

*Entered into force 12 June 1953**

Primary source citation: 4 UST 393, TIAS 2786

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of the United States of America, Canada and Japan agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1(c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of the United States of America, Canada and Japan, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

* This Protocol was terminated on 21 February 1993.

This Protocol shall become effective from the date of entry into force of the said Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

Amendment to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Seattle, 1959

Done at Seattle 7 November 1959

*Entered into force 24 May 1960**

Primary source citation: 11 UST 1503, TIAS 4493

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

ESTABLISHED BY CONVENTION BETWEEN CANADA, JAPAN AND THE UNITED STATES FOR THE CONSERVATION OF THE FISHERIES RESOURCES OF THE NORTH PACIFIC OCEAN

OFFICES:
6640 N.W. MARINE DRIVE
VANCOUVER 8, B.C.
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Cable Address:
"NORTHCOM"

SECRETARIAT:
ROY I. JACKSON
Executive Director
DR. HIROSHI KASAHARA
Assistant Director

MAY 9, 1960

The Honorable CHRISTIAN HERTER,
Secretary of State,
Washington 25, D.C.

DEAR SIR,

Under date of November 12, 1959, I had the honour to transmit to the Governments of the United States, Canada and Japan a recommendation made by the International North Pacific Fisheries Commission to the effect that Alaskan herring be removed from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Subsequently, the Commission received replies from the three Contracting Parties to the effect that the recommendation was acceptable to their Governments. However, the acceptance from your Government contained the view that the action recommended by the Commission would not become effective until all of the Contracting Parties had accepted appropriate language for the amendment of the Annex to the Convention. Your Government assumed that the Commission would wish to recommend such language.

* This Amendment was terminated on 2 April 1962. It was replaced by the Amendment of 11 November 1961 (see page 1194).

The Commission, in accordance with the provisions of Article VII of the Convention, therefore recommends that paragraph 1 section (b) of the Annex to the Convention be amended (by replacement of the present wording) to read as follows:

"(b) Herring (*Clupea paliasii*). The Convention area off the coast of Canada and off the coast of the United States of America south of the entrance to the Strait of Juan de Fuca in which commercial fishing for herring of North American origin is being or can be prosecuted."

Attached to this letter and marked by my signature and the date of this letter, is the Japanese-language version of the above recommendation, equally authentic.

In order that the procedure envisaged by Article VII of the Convention may be completed at the earliest possible moment, the Commission would appreciate a prompt response to its recommendation.

With assurances of our highest esteem,

Yours sincerely,

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Roy I. Jackson,
Executive Director.

Att.

Amendment to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Tokyo, 1961

Done at Tokyo 11 November 1961

*Entered into force 2 April 1962**

Primary source citation: 13 UST 372, TIAS 4992

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

ESTABLISHED BY CONVENTION BETWEEN CANADA, JAPAN AND THE UNITED STATES FOR THE CONSERVATION OF THE FISHERIES RESOURCES OF THE NORTH PACIFIC OCEAN

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ROY I. JACKSON
EXECUTIVE DIRECTOR
HIROSHI KASAHARA
ASSISTANT DIRECTOR

DECEMBER 1, 1961.

The Honourable DEAN RUSK,
Secretary of State,
Washington 25, D.C.

DEAR SIR,

On behalf of the International North Pacific Fisheries Commission, I have the honour to transmit to your Government the following recommendation with respect to the removal of herring off the coast of the United States of America south of the entrance to the Strait of Juan de Fuca from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean:

"Whereas the International North Pacific Fisheries Commission, in performing the functions described in Article III (1) (a) of the Convention, has determined that the herring stocks off the coast of the United States of America south of the entrance to the Strait of Juan de Fuca no longer meet the conditions of Article IV of the Convention, it is recommended:

1. That the stocks of herring described above be removed from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean.

* This Amendment was terminated on 8 May 1963. It was replaced by the Amendment of 17 November 1962 (see page 1196).

2. That, in order to accomplish the above, and in accordance with the provisions of Article VII of the Convention, that paragraph 1, section (b) of the Annex to the Convention (as amended on May 24, 1960) be amended to read as follows:

(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted."

The above recommendation was adopted by the Commission during the course of its Eighth Annual Meeting, at a plenary session held on November 11, 1961.

Kindly note that the paragraph beginning "(b)" above contains the Commission's proposal for language to amend the Annex to the Convention. Since the Convention is written in two equally authentic languages, Japanese and English, I have attached to this letter a copy of the proposed amendment to the Annex in Japanese. This proposed amendment is identified by my signature and the date of this letter.

The Commission would appreciate being advised of the views of your Government on the acceptance of its recommendations.

With assurances of our highest esteem,

Yours very truly,

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Roy I. Jackson,
Executive Director.

Att.

Amendments to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Seattle, 1962

Done at Seattle 17 November 1962

*Entered into force 8 May 1963**

Primary source citation: 14 UST 953, TIAS 5385

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

ESTABLISHED BY CONVENTION BETWEEN CANADA, JAPAN AND THE UNITED STATES FOR THE CONSERVATION OF THE FISHERIES RESOURCES OF THE NORTH PACIFIC OCEAN

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SECRETARIAT:
ROY I. JACKSON
Executive Director
HIROSHI KASAHARA
Assistant Director

JUNE 24, 1963.

The Honourable DEAN RUSK,
Secretary of State,
Washington 25, D.C.

DEAR SIR:

On November 17, 1962, at its Ninth Annual Meeting, at Seattle, the International North Pacific Fisheries Commission determined that the herring stocks off the west coast of the Queen Charlotte Islands and that the halibut stock of the eastern Bering Sea no longer meet the conditions of Article IV of the Convention and adopted recommendations for the removal of such stocks of herring and halibut from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean. It was subsequently noted that some ambiguity might arise from the language of the recommendation with respect to herring. Therefore, the Commission on January 25, 1963 formally amended that recommendation.

The Commission, having transmitted the recommendations to the Contracting Parties for their consideration, has now received notifications of acceptance of the recommendation relating to halibut and the recommendation, as amended, relating to herring, as follows: from Japan on February 26, 1963, from the United States of America on March 23, 1963, and from Canada on May 8, 1963.

* These Amendments were terminated on 15 February 1979.

In accordance with the provisions of Article VII, paragraph 1, of the Convention, sections (a) and (b) of paragraph 1 of the Annex are considered amended from May 8, 1963 to read in the English language as follows:

"(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coast of Canada and the United States of America, exclusive of the Bering Sea, in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

"(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted, exclusive of the waters of the high seas north of 51°56′ North Latitude and west of the Queen Charlotte Islands and west of a line drawn between Langara Point on Langara Island, Queen Charlotte Islands, and Cape Muzon on Dall Island in Southeast Alaska."

Copies are attached to this letter of the amended section (a) in the Japanese language, which I transmitted with my letter of December 6, 1962, and of the amended section (b) in the Japanese language, which I transmitted with my letter of January 25, 1963.

With assurances of our highest esteem,

Yours very truly,

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Roy I. Jackson,
Executive Director

Att.

Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, Tokyo, 1978

Done at Tokyo 25 April 1978

*Entered into force 15 February 1979**

Primary source citation: 30 UST 1095, TIAS 9242

PROTOCOL AMENDING THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan,

Having regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on the ninth day of May, nineteen hundred and fifty-two, its Annex and the Protocol thereto (hereinafter referred to as "the Convention"),

Sharing the view that the Convention has served to promote and coordinate scientific studies relating to the fishery resources of the North Pacific Ocean and its adjacent seas, and has aided in the conservation of these fishery resources,

Taking into account that each of the Contracting Parties has established new fishery jurisdiction in the Convention area,

Acknowledging that certain provisions of the Convention are not compatible with such jurisdiction, and

Desirous of amending the Convention,

Have agreed as follows:

ARTICLE I

The Convention shall be amended to read as follows:

"The Governments of the United States of America, Canada and Japan have agreed as follows:

* This Protocol was terminated on 21 February 1993.

Article I

1. The area to which this Convention applies, referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims or position of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded in the Convention area, or any vessel outfitted for such activities, or any vessel in normal support of another vessel as described above.

Article II

1. The Contracting Parties shall maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the Governments of the respective Contracting Parties.

3. Each national section shall have one vote. All proposals, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections.

6. The Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The location of the Commission's headquarters shall be determined by the Commission.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be in camera.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

Article III

1. The Commission shall perform the following functions:

   (a) provide for scientific studies and for coordinating the collection, exchange and analysis of scientific data regarding anadromous species, including data regarding the continent of origin of these species, and provide a forum for cooperation among the Contracting Parties with respect to these species;

   (b) pending the establishment of an international organization as referred to in Article IV, provide a forum for cooperation among the Contracting Parties with respect to the study, analysis and exchange of scientific information and views relating to the stocks of nonanadromous species of the Convention area, including information and views relating to all relevant factors affecting these stocks, the promotion of scientific research designed to fill gaps in knowledge and the compilation and dissemination of statistics and records;

   (c) recommend, when necessary, amendment of the Annex to this Convention;

   (d) coordinate scientific studies to determine the continent of origin of anadromous species migrating in the waters south of 46° North Latitude, and following three years of such studies make recommendations if appropriate in accordance with sub-paragraph (c) above relating to the conservation of salmon of North American origin;

   (e) consider and make proposals to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention which occur outside the 200 nautical mile fishery zone of any Contracting Party;

   (f) compile and study the records provided by the Contracting Parties pursuant to Article VIII;

   (g) submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate proposals, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the implementation of this Convention;

   (h) consider the results of reviews undertaken by the Contracting Parties pursuant to Article XI and make proposals as appropriate.

2. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

Article IV

The Contracting Parties shall work towards the establishment of an international organization with broader membership dealing with species of the Convention area other than anadromous species. Progress towards this end shall be reviewed during the consultations provided for in Article XI. When such an international organization becomes functional, the functions of the Commission under the provisions of Article III, paragraph 1., sub-paragraph (b) shall be terminated and transferred to the new organization.

Article V

1. The Annex attached hereto forms an integral part of this Convention. All references to the Convention shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties agree that in fishing for anadromous species in the Convention area, they shall respect the conservation measures specified in the Annex to this Convention and that any infringement of these measures shall be deemed to be in violation of the terms of this Convention.

3. The nationals and fishing vessels of the Contracting Parties shall abide by the conservation measures specified in the Annex to this Convention.

Article VI

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the implementation of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

Article VII

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, paragraph 1., sub-paragraph (c).

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

Article VIII

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Article IX

1. The Contracting Parties agree that within the Convention area:

   (a) each Contracting Party shall enforce the provisions of this Convention within its 200 nautical mile fishery zone in accordance with its domestic law;

   (b) outside the 200 nautical mile fishery zone of any Contracting Party, any Contracting Party may enforce the provisions of this Convention in accordance with the following:

      (i) The duly authorized officials of any Contracting Party may board vessels fishing for anadromous species of the other Contracting Parties to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention. Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

      (ii) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The

Contracting Party to which the official belongs shall notify promptly the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Contracting Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery, the Contracting Party which gives such notification may keep such person or vessel under surveillance within the waters of the Convention area or within its own territory under the conditions agreed upon by both the Contracting Parties.

(iii) Only the authorities of the Contracting Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Contracting Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense and shall be taken into account, and utilized as appropriate, by the executive authority of that Contracting Party having jurisdiction to try the offense.

(c) the Contracting Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections carried out in accordance with this Convention of such vessels by the duly authorized officials of any Contracting Party, and cooperate in such enforcement action as may be undertaken.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with appropriate penalties against violations thereof, and to transmit to the Commission a report on any action taken by it in regard thereto.

Article X

The Contracting Parties agree that a scientific program is necessary to carry out the provisions of this Convention. To this end the Contracting Parties agree to establish such a program to coordinate their scientific research activities with respect to anadromous species in the Convention area as well as species of marine mammals incidentally caught in fishing for anadromous species. In this regard, the Contracting Parties agree to exchange scientists in order to carry out scientific observations with respect to the catches and methods of operation. The Contracting Parties shall establish procedures to facilitate such observations.

Article XI

1. The Contracting Parties agree to hold consultations whenever necessary, or not later than sixty days following the request of any of them, in order to review the implementation of this Convention.

2. The Contracting Parties agree to hold consultations, at a time and place to be mutually agreed upon, not later than ninety days following notice by any Contracting Party of its intention to terminate the Convention in accordance with the provisions of Article XII, paragraph 1. of this Convention.

Article XII

1. This Convention shall continue in force until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

2. This Convention shall be subject to review by the Contracting Parties upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

ANNEX

1. The following measures shall apply to salmon fishery operations conducted by Japanese nationals and fishing vessels in the waters of the Convention area:

(a) North of 56° North Latitude, east of 175° East Longitude and outside the United States fishery conservation zone, beginning on June 26 (Japan Standard Time) (1500 June 25 GMT) of each year, the Japanese mothership fishery shall conduct no more than 22 mothership fleet days in the area between 175° East Longitude and 180° Longitude and no more than 31 mothership fleet days in the area between 180° Longitude and 175° West Longitude.

(b) North of 46° North Latitude, between 175° East Longitude and 170° East Longitude, and outside the United States fishery conservation zone, salmon fishery operations shall not begin before June 1 (Japan Standard Time) (1500 May 31 GMT) of each year.

(c) West of 175° East Longitude, and within the United States fishery conservation zone, salmon fishery operations shall not begin before June 10 (Japan Standard Time) (1500 June 9 GMT) of each year. Fishing vessels engaged in this fishery shall be required to have on board a registration permit which shall be issued by the Government of the United States. Such vessels may be required by the Government of the United States to accept on board scientific observers and to bear the expenses incurred in such boarding. The requirement of the Government of the United States that Japanese fishing vessels engaged in this fishery have on board a Certificate of Inclusion relating to the incidental taking of marine mammals shall be suspended for the period ending June 9, 1981 during which period the Governments of Japan and the United States shall conduct joint research, shall cooperate to determine the effect of the Japanese salmon fishery on marine mammal populations, and shall work to reduce or eliminate the incidental catch of marine mammals in the fishery.

(d) Except for the areas specified in (a) above, there shall be no salmon fishery operations east of 175° East Longitude, unless such fishery operations are agreed to for a temporary period among the three Contracting Parties.

2. For the purposes of this Annex, a mothership fleet day is defined as one mothership with no more than forty-one catcher-boats present during a portion of any one calendar day in the areas specified in paragraph 1. (a) of this Annex. Any increase in the number of catcher-boats assigned to a mothership will be reflected in a proportional reduction in the number of authorized fleet days. Modifications to gear or fishing procedures which might affect current fishing efficiency shall be undertaken only after consultations among the three Contracting Parties. In such consultations the Contracting Parties shall examine the necessity of change in the number of authorized fleet days to take account of any increase in fishing efficiency.

3. East of 170° East Longitude the southern limit of the Japanese mothership fishery and the northern limit of the Japanese landbased fishery shall remain at 46° North Latitude. West of 170° East Longitude the southern limit of the Japanese mothership fishery shall not extend south of 46° North Latitude, and the northern limit of the Japanese landbased fishery shall not extend north of 48° North Latitude."

ARTICLE II

This Protocol shall be ratified or approved by the Contracting Parties to the Convention in accordance with their respective constitutional processes, and the instruments of ratification or approval shall be exchanged as soon as possible at Tokyo. This Protocol shall come into force on the date of the exchange by all the Contracting Parties of instruments of ratification or approval.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE, in triplicate, in the English, French and Japanese languages, all texts being equally authentic, at Tokyo this twenty-fifth day of April, nineteen hundred and seventy-eight.

Amendment to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Vancouver, 1986

Done at Vancouver 9 April 1986

*Entered into force 23 May 1986**

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDED ANNEX TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

1. The following measures shall apply to salmon fishery operations conducted by Japanese nationals and fishing vessels in the waters of the Convention area:

   (a) North of 56° North Latitude, between 180° Longitude and 175° West Longitude, and outside the areas designated as the United States exclusive economic zone by the Presidential Proclamation of March 10, 1983 (hereinafter referred to as "the United States exclusive economic zone"), beginning on June 26 (Japan Standard Time) (1500 June 25 GMT) of each year, the Japanese mothership fishery shall conduct salmon fishery operations according to the following schedule:

      (1) For 1986, no more than 12 mothership fleet days in the area between 175° West Longitude and 180° Longitude;

      (2) For 1987, no more than 8 mothership fleet days in the area between 178° West Longitude and 180° Longitude, with no salmon fishery operations to be conducted in the area east of 178° West Longitude; and

      (3) For 1988 and thereafter, no salmon fishery operations are to be conducted in the area east of 180° Longitude.

   (b) North of 56° North Latitude, west of 180° Longitude, and outside the United States exclusive economic zone, beginning on June 26 (Japan Standard Time) (1500 June 25 GMT) of each year, the Japanese mothership fishery shall conduct salmon fishery operations according to the following schedule:

      (1) For 1986 through 1988, no more than 18 mothership fleet days each year;

      (2) For 1989 through 1991, no more than 12 mothership fleet days each year;

      (3) For 1992 and 1993, no more than 8 mothership fleet days each year; and

      (4) For 1994 and thereafter, no salmon fishery operations are to be conducted.

* This Amendment was terminated on 21 February 1993.

(c) North of 46° North Latitude, between 175° East Longitude and 170° East Longitude, and outside and south of the United States exclusive economic zone, salmon fishery operations shall not begin before June 1 (Japan Standard Time) (1500 May 31 GMT) of each year.

(d) West of 175° East Longitude, and within the United States exclusive economic zone:

(1) For 1986 through 1993, salmon fishery operations shall not begin before June 10 (Japan Standard Time) (1500 June 9 GMT) of each year and shall end on July 31 (Japan Standard Time) (1500 July 31 GMT) of each year. Between these dates the Japanese mothership fishery shall conduct salmon fishery operations of no more than 140 mothership fleet days each year.

(2) For 1994 and thereafter, salmon fishery operations shall not begin before June 10 (Japan Standard Time) (1500 June 9 GMT) and shall end on July 26 (Japan Standard Time) (1500 July 26 GMT) of each year. Between these dates the Japanese mothership fishery shall conduct salmon fishery operations of no more than 144 mothership fleet days each year.

(3) Fishing vessels engaged in this fishery shall be required to have on board a registration permit which shall be issued by the Government of the United States. Such vessels may be required by the Government of the United States to accept on board scientific observers and to bear the expenses incurred in such boarding. Such vessels shall also be required to have on board a Certificate of Inclusion relating to the incidental taking of marine mammals which is a requirement of the Government of the United States.

(e) Except for the areas specified in sub-paragraphs (a) and (b) above, in the area north of 46° North Latitude there shall be no salmon fishery operations east of 175° East Longitude, unless such fishery operations are agreed to for a temporary period among the three Contracting Parties.

(f) In 1986 and thereafter, the Japanese landbased fishery shall not conduct salmon fishery operations east of 174° East Longitude. The eastern limit of this fishery may be modified in accordance with the results of the coordinated scientific studies to be initiated with the beginning of the 1986 season in the landbased fishery area south of 46° North Latitude to determine accurately continent of origin of salmonids migrating in this area, including biological sampling and studies and verification of fishing effort and catch by species, date, and location. The modification shall be negotiated no later than the beginning of the 1991 season.

2. For the purposes of this Annex, a mothership fleet day is defined as one mothership with forty-three catcher/scout boats using 14,190 tans (330 tans/15 km) of fishing nets during a portion of any one calendar day. Any increase in the number of catcher/scout boats assigned to the mothership fishery will be reflected in a proportional reduction in the number of authorized fleet days. Modifications to gear or fishing procedures which might affect current fishing efficiency, or modifications to areas which are different from those used in 1985, shall be undertaken only after consultations among the three Contracting Parties. In such consultations the Contracting parties shall examine the necessity of change in the number of authorized fleet days to take account of any increase in fishing efficiency.

3. East of 170° East Longitude the southern limit of the Japanese mothership fishery and the northern limit of the Japanese landbased fishery shall remain at 46° North Latitude. West of 170° East Longitude the southern limit of the Japanese mothership fishery shall not extend south of 46° North Latitude, and the northern limit of the Japanese landbased fishery shall not extend north of 48° North Latitude.

Memoranda of Understanding Concerning Salmonid Research and Enforcement of the International Convention for the High Seas Fisheries of the North Pacific Ocean, Vancouver, 1986

Done at Vancouver 9 April 1986

*Entered into force 9 April 1986**

Primary source citation: Copy of text provided by the U.S. Department of State

MEMORANDUM OF UNDERSTANDING

The Delegations of the Governments of the United States of America, Canada and Japan have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo, on April 25, 1978 (hereinafter referred to as "the Convention"), in order to further cooperation among the three Contracting Parties concerning the enforcement of the provisions of the Convention.

1. The Government of Japan will take the necessary measures to ensure the following:

(a) At least six Japanese patrol vessels will be assigned to enforce the provisions of the Convention in the Japanese landbased fishery area of which no fewer than three such vessels will be assigned to enforce the eastern limit of that area.

(b) In the area south of 46° North Latitude and between 173° East Longitude and 174° East Longitude any Japanese landbased fishing vessel will report its location to one of the Japanese patrol vessels mentioned in subparagraph 1(a) above when the fishing vessel enters into and departs from the area, as well as at a fixed time every day as long as the vessel stays in the area.

2. The Government of the United States of America and the Government of Japan will take the necessary measures to ensure that enforcement activities of each Government will be conducted on a cooperative basis in the following aspects:

(a) Each Government will notify the other Government of the patrol schedules of its patrol vessels in the Japanese landbased fishery area;

(b) Patrol vessels of either Government in the said area will investigate to the extent possible reports from the other Government of fishery operations conducted in apparent violation of the provisions of the Convention by nationals and fishing vessels of Japan; and

* These Memoranda of Understanding were terminated on 21 February 1993.

(c) Each Government will report to the other Government any action taken as a result of subparagraph 2(b) above as soon as and to the extent possible without detracting from enforcement activities.

3. The Government of the United States of America and the Government of Japan will each accommodate an observer of the other Government aboard its patrol vessel assigned to enforce the provisions of the Convention along the eastern limit of the Japanese landbased fishery area for a reciprocal period of up to 4 weeks under the following conditions:

(a) Such observer will not exercise any enforcement authority but only observe the enforcement activities of the enforcement officials of the patrol vessel, including accompanying such officials at the time of boarding of salmon vessels of Japan which might occur;

(b) Such observer will be permitted to communicate with his/her parent agency with the consent of the captain of the patrol vessel;

(c) Such observer will comply with instructions of the host enforcement officials under all circumstances; and

(d) Each Government will pay for the costs of its own observer.

Detailed arrangements will be coordinated between the competent authorities of the two Governments.

4. The Government of the United States of America and the Government of Japan will exchange information that will facilitate enforcement activities. Specific communications arrangements such as radio frequencies and signals will be agreed to between designated enforcement officials of the two Governments prior to the beginning of the 1986 landbased salmon fishery season.

5. Should the Government of Canada decide to participate on a reciprocal basis in the cooperative enforcement measures mentioned in paragraphs 2, 3 and 4 above, the Governments of the United States of America, Canada and Japan will consult in order to develop arrangements for such participation.

6. The Government of Japan will report to the International North Pacific Fisheries Commission as soon as possible the results of penalty actions. These reports will identify the vessel (by name, domestic fisheries license number, and hull number), the location (by latitude and longitude), and details of the violation, the penalty imposed, and the fishery (mothership or landbased) in which the vessel was participating.

Vancouver, April 9, 1986

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MEMORANDUM OF UNDERSTANDING

The Delegations of the Governments of the United States of America, Canada and Japan have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo on April 25, 1978 (hereinafter referred to as "the Convention"), in order to further research studies on anadromous Salmonidae in the Convention area:

1. The Governments of the United States of America, Canada and Japan will ensure that coordinated scientific studies will be conducted under the framework of the Convention to determine accurately the continent of origin of salmonids migrating in the Convention area of the landbased driftnet fishery south of 46° North Latitude so that the movement of the eastern limit of that fishery shall be negotiated no later than the beginning of the 1991 season. These studies are to be initiated with the beginning of the 1986 season and are to be completed within a period of three to five years. These studies should include at least the following methods and features:

(1) a. The Governments of the United States of America, Canada and Japan will increase efforts for tagging and biological sampling.

b. The Government of Japan will arrange five Japanese salmon research vessel cruises in the area 38° to 46° North Latitude, between 160° East and 175° West Longitude during May, June, and July of each year assigned to conduct research with regard to increased tagging effort and biological sampling.

c. The Government of Japan will allow each year no more than two scientists of the Government of the United States of America and/or the Government of Canada, upon the request of the Government of the United States of America and/or the Government of Canada, to board one or two cruises of salmon research vessels arranged by the Government of Japan pursuant to paragraph 1(1)b.

d. The Government of the United States of America and the Government of Canada undertake to bear expenses incurred in such boardings of their respective scientists.

(2) The Government of Japan will increase efforts through guidance and education of fishermen to recover tagged salmonids, to return recovered tags and to report associated data.

(3) Other studies will be designed to determine the proportions and distributions of Asian and North American origin salmonids in the area south of 46° North Latitude and between 160° East and 175° West Longitude. These studies will be based as far as possible on methodologies jointly agreed upon a priori. These studies will include, but are not limited to:

a. Scale pattern analyses of sockeye, chum, coho, and chinook salmon and steelhead trout;

b. Improved collection of adequate (in number and quality) Asian and North American standard scale samples; and

c. Application of other methods and techniques (such as parasitological and genetic studies, etc.) as jointly deemed appropriate and useful in continent of origin studies.

(4) Annual evaluations and assessments will be conducted to ensure coordination of the studies and to ensure that they are proceeding in a manner which will meet the schedule of the three to five year studies on the continent of origin of salmonids mentioned in this paragraph. The three Governments will adjust their research programs as necessary to meet the schedule.

(5) Accurate catch and fishing effort statistics by species, time and area are essential to the evaluation of studies on continent of origin of salmonids. The Government of Japan will establish an appropriate method to validate the time and location of catch and fishing effort data including the use of location records from the Naval Navigation Satellite System onboard the landbased salmon driftnet fishing vessels and report it to the International North Pacific Fisheries Commission (hereinafter referred to as "the INPFC"). The content and success of this program will be reviewed and adjusted, if required, to support the three to five year studies on the continent of origin of salmonids mentioned in this paragraph.

(6) In lieu of paragraph 1(A) of the Memorandum of Understanding, signed at Tokyo on April 25, 1978, the Government of Japan will provide to the INPFC, catch statistics for the landbased driftnet fishery on a ten-day basis by $1° \times 1°$ statistical area by species in numbers and tonnage, with corresponding effort in effective standardized tans fished (330 tans/15 km), with summary information on mesh sizes used, within six months of annual termination of the fishery in 1987 and thereafter (as for the catch statistics for 1986, as soon as possible during the three to five year studies on the continent of origin of salmonids mentioned in this paragraph).

2. The Governments of the United States of America, Canada, and Japan will ensure that beginning with the 1986 season:

(1) Research on continent of origin of salmonids in the operating area of the mothership fishery will be continued under the framework of the INPFC with emphasis on the identification of areas of abundance of North American chinook, coho, and chum salmon and steelhead trout; and

(2) Validation of catch and fishing effort data for the mothership fishery will be done under a joint research program of the INPFC utilizing methods mutually agreed upon each year.

Vancouver, April 9 , 1986.

Amendment to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Vancouver, Washington, Tokyo, and Ottawa, 1990

Done at Vancouver 24 April 1990

*Entered into force 17 May 1990**

Primary source citation: Copy of text provided by the U.S. Department of State

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION
6640 NORTHWEST MARINE DRIVE
VANCOUVER, B.C., CANADA V6T 1X2
CABLE: NORTHCOM
PHONE: (604) 228-1128
FAX: (604) 228-1135

24 April 1990

The Honourable James Baker
Secretary of State
Washington, D.C. 20520
U.S.A.

Dear Sir:

I have the pleasure of transmitting to you the Commission's recommendation to amend the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean ("the Convention"), as amended by the Protocol signed at Tokyo, April 25, 1978.

This recommendation to amend the Annex to the Convention was adopted by the International North Pacific Fisheries Commission by correspondence on April 24, 1990, in accordance with the provisions of Article III, paragraph 1, subparagraph (c) of the Convention. It is recommended to all the Contracting Parties to amend the present Annex by adding after paragraph 3 a new paragraph 4 to read as follows:

> "4. In 1990 only, the Japanese mothership fishery can be converted to a non-traditional landbased fishery ("the non-traditional landbased fishery").
>
> The non-traditional landbased fishery may be conducted in the areas specified in sub-paragraphs (b) and (c) of paragraph 1 above, according to the conditions stipulated in sub-paragraphs (b) and (c) of paragraph 1 above

* This Amendment expired on 31 December 1990.

respectively. The provisions of sub-paragraph (f) of paragraph 1, paragraph 2 and paragraph 3 above shall not apply to the non-traditional landbased fishery. For the purpose of the non-traditional landbased fishery, a mothership fleet day is defined as one day when fishing vessels engaged in the non-traditional landbased fishery in the area concerned use 14,190 tans (330 tans/15 km) of fishing nets during a portion of any one calendar day."

The Commission looks forward to receipt of notification of acceptance of this recommendation by the three Contracting Parties in accordance with Article VII of the Convention.

Sincerely yours,

Clement V. Tillion
Secretary
INTERNATIONAL NORTH PACIFIC
FISHERIES COMMISSION

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United States Department of State
Assistant Secretary of State for Oceans and
International Environmental and Scientific Affairs
Washington, D.C. 20520

April 26, 1990

Mr. Clement Tillion
Secretary
International North Pacific Fisheries Commission
6640 Northwest Marine Drive
Vancouver, B.C., Canada V6T 1X2

Dear Mr. Tillion:

Thank you for your letter of April 24, 1990, conveying the recommendation of the International North Pacific Fisheries Commission (INPFC) that, in accordance with Article III, section 1(c) of the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol signed at Tokyo on April 25, 1978 (the Convention), the three Contracting Parties amend the present Annex of the Convention. This would be accomplished by adding the new paragraph 4 which was attached to the Commission's recommendation.

In accordance with Article VII of the Convention, the Government of the United States of America hereby accepts the Commission's recommendation to amend the present Annex to the Convention in this manner.

In accepting the recommendation of the Commission, the U.S. Government affirms its support for the United Nations General Assembly Resolution, "Large Scale Pelagic Driftnet Fishing and its Impacts on the Living Marine Resources of the World's Oceans and Seas." Our acceptance of the amendment to the Annex and the related Memorandum of Understanding does not signify satisfaction with, or approval of, the measures attendant to the amendment, or other INPFC programs, as effective to prevent unacceptable impacts of these driftnet fisheries on the living marine resources of the North Pacific, or to ensure the conservation of these resources.

Sincerely yours,

Peter Jon de Vos
Acting

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MINISTRY OF FOREIGN AFFAIRS
Tokyo, Japan

May 11, 1990

Mr. Clement V. Tillion
Secretary
International North Pacific
Fisheries Commission

Dear Mr. Tillion,

With reference to your letter dated April 24, 1990, concerning the recommendation of the International North Pacific Fisheries Commission to amend the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean, I have the pleasure to notify, on behalf of the Government of Japan, the International North Pacific Fisheries Commission that the Government of Japan decided, on May 11, 1990 to accept the recommendation mentioned above.

Sincerely yours,

Taro Nakayama
Minister for Foreign Affairs

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External Affairs and International Trade Canada
Ottawa, Ontario
K1A 0G2

May 17, 1990

Mr. Clement Tillion
Secretary
International North Pacific Fisheries Commission
6640 Northwest Marine Drive
Vancouver, British Columbia
V6T 1X2

Dear Mr. Tillion:

The Secretary of State for External Affairs, the Right Honourable Joe Clark, has asked me to reply to your letter of April 24, 1990, transmitting the recommendation of the International North Pacific Fisheries Commission (INPFC) to amend the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol signed at Tokyo on April 25, 1978.

I am pleased to inform you that the Government of Canada assents to the Commission's recommendation. I enclose the Instrument of Acceptance signed by the Secretary of State for External Affairs in the Government of Canada, certifying that the Government of Canada accepts the amendment to the Annex to the Convention, adopted by the Commission on April 24, 1990.

I note, in connection with the amendment, the Memorandum of Understanding between the Governments of Canada, Japan and the United States of America, signed at Tokyo on May 15, 1990. I also wish to refer on this occasion to the general principle of international law that states of origin of anadromous stocks shall have the primary interest in and responsibility for such stocks. I further note that the acceptance by Canada of the amendment and the related Memorandum of Understanding in no way alters Canada's position on the driftnet issue, which remains consistent with the United Nations General Assembly Resolution A/C.2/44/L.81. In particular, the acceptance must not be construed as approval of the measures attendant to the amendment, the Memorandum or INPFC programs as

constituting effective conservation or management measures to prevent unacceptable impacts of driftnet fishing and to ensure the conservation of the living marine resources of the North Pacific region.

Yours sincerely,

E.W. Stewart
Director
Agriculture and Fisheries
Trade Policy Division

ENCLOSURES.

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INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION
6640 NORTHWEST MARINE DRIVE
VANCOUVER, B.C., CANADA V6T 1X2
CABLE: NORTHCOM
PHONE: (604) 228-1128
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17 May 1990

The Honourable James Baker
Secretary of State
Washington, D.C. 20520
U.S.A.

The Rt. Hon. Joe Clark, P.C., M.P.
Secretary of State for External Affairs
Ottawa, Ontario
K1A 0G2

The Honourable Taro Nakayama
Minister for Foreign Affairs
2-2-1 Kasumigaseki, Chiyoda-ku
Tokyo, Japan 100

Dear Sir:

Referring to the INPFC letter dated 1990 April 24 by Secretary Tillion, the Secretariat of INPFC was notified on May 17, 1990 that the Government of Canada formally accepted the amendment to the Annex of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

As specified in Article VII, now that all three Contracting Parties have notified the Commission of their acceptance, the Annex is amended as of this date (1990 May 17).

The transmittal from Canada is attached.

Sincerely yours,

Bernard E. Skud
Executive Director

Memorandum of Understanding Relating to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Vancouver, 1990

Done at Vancouver 15 May 1990

*Entered into force 15 May 1990**

Primary source citation: Copy of text provided by the U.S. Department of State

MEMORANDUM OF UNDERSTANDING

The Delegations of the Governments of the United States of America, Canada, and Japan have agreed to record the following, regarding the 1990 fishing season, in connection with the recommendation of April 24, 1990 to amend the Annex (as amended in 1986) to the International Convention for the High Seas Fisheries of the North Pacific Ocean ("the Convention"), as amended by the Protocol Amending the Convention signed at Tokyo, on April 25, 1978.

1 The Government of Japan will take the necessary measures to ensure the following:

(a) Only Japanese fishing vessels previously licensed in the traditional high seas mothership salmon fishery may conduct fishing operations in the non-traditional landbased fishery. For 1990 fishing effort in area 2a expressed in cumulative tans of gear will not exceed that fished by the mothership fishery in 1988. In area 4, fishing effort expressed in cumulative tans of gear will not exceed the effort authorized for 1990 under the above-mentioned Annex except that fishing effort will be adjusted proportionally in accordance with the 1990 fishing quota. No vessel may fish more than 330 tans (15 kilometers) a day.

(b) Fishing vessels in the non-traditional landbased fishery will fish in organized fleets. One vessel of each fleet will be designated as the commander vessel with a fleet commander on board designating fishing positions for each fishing vessel. Vessels in each fleet will fish in unison as was the past practice employed in the traditional mothership salmon fishery.

(c) Fishing operations in area 2a (defined in paragraph 1(c) of the above-mentioned Annex) will end by July 15.

(d) Data associated with each fishing vessel's operations in the non-traditional landbased fishery, including but not limited to location of operation, and total catch will be reported daily to Fisheries Agency of Japan (FAJ) enforcement vessels and the fleet commander. These data will be compiled and provided to the U.S. and Canadian sides through the International North Pacific Fisheries Commission prior to the 1990 annual meeting.

(e) Not less than two FAJ patrol vessels will be deployed in each area where the non-traditional landbased fishery is allowed to operate. The FAJ will invite a U.S. or Canadian enforcement observer on a FAJ patrol vessel for the duration of the fishing season. The status and scope of activities of the observer will be the same as provided for in

* This Memorandum of Understanding expired on 31 December 1990.

sub-paragraphs (a) to (d) of paragraph 3 of the MOU on enforcement made at Vancouver, on April 9, 1986. The enforcement observer will be allowed to maintain daily radio contact with his domestic enforcement agency, to have daily access to the fishing operations information reported to the said FAJ patrol vessels pursuant to sub-paragraph (d) of paragraph 2 of the above-mentioned 1986 MOU, and to accompany FAJ inspections of all fishing vessels in the non-traditional landbased fishery, including log book and catch inspection. The FAJ patrol vessels will conduct random boardings so that each fishing vessel in the non-traditional landbased fishery is inspected at sea at least twice during the fishing season.

(f) Before the start of the fishing season, the FAJ will provide the U.S. and Canadian sides with the names and brief description of the fishing vessels participating in the non-traditional landbased fishery, including but not limited to length, horse-power, hold capacity in metric tons, license number, individual vessel quota, and type and quantity of fishing gear carried. Each fishing vessel is to be assigned a license number. This number will be displayed on both sides of the hull in a color in contrast to the background. The number must be in Roman letters and Arabic numerals at least 60 cm in height.

(g) No transfers of catch at sea will be allowed. Only one oil-tanker will be used to provide fuel to the fishing vessels in the non-traditional landbased fishery and it will be required to provide its noonday position on a daily basis to a FAJ patrol vessel deployed in the areas where the non-traditional landbased fishery operates. The oil-tanker is to report to a FAJ patrol vessel before fuel is provided to a fishing vessel in the non-traditional landbased fishery. A FAJ patrol vessel shall monitor fuel provision activities. No resupply operations other than refueling from a tanker will be allowed.

(h) In the area North of 46 degrees North Latitude, between 174 degrees East Longitude and 175 degrees East Longitude, and south of the United States 200 nautical mile-zone, Japanese fishing vessels engaged in the non-traditional landbased fishery will report their location to a FAJ patrol vessel upon entering and departing from this area, as well as at a fixed time every day while the vessel remains in this area.

(i) The FAJ will verify the quantity of fish caught by each fishing vessel engaged in the non-traditional landbased fishery before the vessel departs the fishing grounds to return to Japan and upon landing of the catch in Japan. Each non-traditional landbased fleet will return as a unit accompanied by a FAJ patrol vessel until the fleet enters Japan's 200 mile-zone. Thereafter, each vessel will return directly to one of the ports designated by the FAJ where verification of quantity of fish caught, by species, will be conducted by FAJ enforcement personnel. A U.S. or Canadian enforcement observer will be invited on this patrol vessel for the duration of the patrol vessel's cruise, and will be allowed to accompany FAJ enforcement personnel during verification of fish caught by each vessel and provided access to daily position reports of all fishing vessels in the non-traditional landbased fishery. The Japanese side will provide the U.S. and Canadian sides with appropriate documentation of the verification of fish caught and landed by species, and that all vessels have returned to Japan without delay.

(j) At least ten percent of the fishing vessels engaged in the non-traditional landbased fishery will carry automatic real-time satellite position fixing devices (transmitters). These transmitters will allow automatic, real-time monitoring of the location and identity of each vessel. All costs associated with the purchase, installation, maintenance and operation of the transmitters, and data transmission costs will be borne by the Japanese side. The U.S. and Canadian sides will bear their own costs for data access. Any fishing vessel in the non-traditional landbased fishery with an inoperative transmitter is to be closely monitored by FAJ patrol vessels.

(k) Fishing vessels in the non-traditional landbased fishery are also required to utilize operational Naval Navigational Satellite System (NNSS) devices with recording tapes. Any fishing vessel in the non-traditional landbased fishery with an inoperative NNSS device is to be closely monitored by FAJ patrol vessels.

(l) Collection of biological samples from fishing vessels engaged in the non-traditional landbased fishery will be carried out, to the extent practicable, at the same level as carried out in 1987 for the mothership salmon fishery. The port sampling program will be intensified by the FAJ for the catch of the traditional Japanese landbased salmon fleet, to the extent practicable, to achieve the same sampling level as in the non-traditional landbased fishery. Cooperative research in accordance with Article X of the Convention and the Memorandum of Understanding on Research will be continued on salmonids and marine mammals.

(m) Two U.S. and/or Canadian and two Japanese scientific observers (four observers in total), per fleet, will be given the opportunity to be on board the fishing vessels during the entire fishing season. If the number of vessels in the fleet is drastically reduced in 1990, the U.S., Canadian and Japanese sides will reconsider the number of scientific

observers. Details for the arrangements to deploy scientific observers in the non-traditional landbased fishery are contained in the letter from the FAJ to the appropriate agencies of the U.S. and Canada dated May 1, 1990.

(n) The costs related to the deployment of observers will be paid by the countries sending such observers.

2 The Government of Japan will take these measures on amendment of the Annex as mentioned above.

3 These arrangements will be reviewed by the three parties after the 1990 season with a view to extending the arrangements for an additional year if they are conducted in a successful manner which is satisfactory to all three parties.

Tokyo, May 15, 1990

Amendment to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Ottawa, Tokyo, Washington, and Vancouver, 1991

Done at Ottawa 25 April 1991

*Entered into force 23 May 1991**

Primary source citation: Copy of text provided by the U.S. Department of State

Fisheries and Oceans
Pacific and Freshwater Fisheries
Assistant Deputy Minister
Ottawa, Canada
K1A 0E6
Canada

May 8, 1991

The Honourable James Baker
Secretary of State
Washington, DC 20520
U.S.A.

Dear Sir:

I have the pleasure of transmitting to you the Commission's recommendation to amend the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean ("the Convention"), as amended by the Protocol signed at Tokyo, April 25, 1978.

This recommendation to amend the Annex to the Convention was adopted by the International North Pacific Fisheries Commission by correspondence on April 25, 1991, in accordance with the provisions of Article III, paragraph 1, subparagraph (c) of the Convention. It is recommended to all the Contracting Parties to amend the present Annex by inserting "and 1991" immediately after "In 1990" in paragraph 4. The revised paragraph would read as follows:

> 4. In 1990 and 1991 only, the Japanese mothership fishery can be converted to a non-traditional landbased fishery ("the non-traditional landbased fishery").
>
> The non-traditional landbased fishery may be conducted in the areas specified in sub-paragraphs (b) and (c) of paragraph 1 above, according to the conditions stipulated in sub-paragraphs (b) and (c) of paragraph 1 above respectively. The provisions of sub-paragraph (f) of paragraph 1, paragraph 2 and paragraph 3 above shall not

* This Amendment expired on 31 December 1991.

apply to the non-traditional landbased fishery. For the purpose of the non-traditional landbased fishery, a mothership fleet day is defined as one day when fishing vessels engaged in the non-traditional landbased fishery in the area concerned use 14,190 tans (330 tans/15 km) of fishing nets during a portion of any one calendar day."

The Commission looks forward to receipt of notification of acceptance of this recommendation by the three Contracting Parties in accordance with Article VII of the Convention.

Sincerely yours,

David Good
Secretary
INTERNATIONAL NORTH PACIFIC
FISHERIES COMMISSION

c.c. - Bernard E. Skud
Executive Director
INPFC

❧ ❧ ❧ ❧ ❧ ❧ ❧

I, BARBARA JEAN McDOUGALL,

Secretary of State for External Affairs in the Government of Canada,

do hereby certify that

the Government of Canada accepts the amendment to the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean, recommended by the International North Pacific Fisheries Commission on April 25, 1991.

IN WITNESS WHEREOF, I have signed and sealed this Instrument of Acceptance.

DONE at Ottawa, this 9th day of May 1991.

Barbara Jean McDougall
Secretary of State
for External Affairs

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Ministry of Foreign Affairs
TOKYO, JAPAN

May 10, 1991

Mr. David Good
Secretary
International North Pacific
Fisheries Commission

Dear Mr. Good,

With reference to your letter dated May 8, 1991, concerning the recommendation of the International North Pacific Fisheries Commission to amend the Annex to the International Convention for the High Seas Fisheries of the

North Pacific Ocean, I have the pleasure to notify on behalf of the Government of Japan, the International North Pacific Fisheries Commission that the Government of Japan decided, on May 10, 1991 to accept the recommendation mentioned above.

Sincerely yours,

Taro Nakayama
Minister for Foreign Affairs

❧ ❧ ❧ ❧ ❧ ❧ ❧

United States Department of State
Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs
Washington, D.C. 20520

May 16, 1991

Mr. David Good
Secretary
International North Pacific Fisheries Commission
6640 Northwest Marine Drive
Vancouver, B.C., Canada V6T 1X2

Dear Mr. Good:

This responds to your letter to Secretary Baker dated May 8, 1991, which conveyed the recommendation of the International North Pacific Fisheries Commission (INPFC) that, in accordance with Article III, section 1(c) of the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol signed at Tokyo on April 25, 1978 (the Convention), the three Contracting Parties amend the present Annex of the Convention.

In accordance with Article VII of the Convention, the Government of the United States of America hereby accepts the Commission's recommendation to amend the present Annex to the Convention as described in your letter.

In accepting the recommendation of the Commission, the Government of the United States of America affirms its support for United Nations General Assembly Resolutions 44/225 and 45/197 on large-scale pelagic driftnet fishing. As such, our acceptance of the amendment to the Annex and the related Memorandum of Understanding does not signify satisfaction with, or approval of, the measures attendant to the amendment, or other INPFC programs, as effective to prevent unacceptable impacts of these driftnet fisheries on the living marine resources of the North Pacific, or to ensure the conservation of these resources.

Sincerely,

Curtis Bohlen

❧ ❧ ❧ ❧ ❧ ❧ ❧

INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION
6640 NORTHWEST MARINE DRIVE
VANCOUVER, B.C., CANADA V6T 1X2
CABLE: NORTHCOM
PHONE: (604) 228-1128
FAX: (604) 228-1135

23 May 1991

The Honourable James Baker
Secretary of State
Washington, DC 20520
U.S.A.

The Hon. Barbara McDougall, P.C., M.P.
Minister for External Affairs
Room 231, West Block
House of Commons
Ottawa, ON
K1A 0G2

The Honourable Taro Nakayama
Minister for Foreign Affairs
2-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100, JAPAN

Dear Madam/Sir:

Referring to the INPFC letter dated 1991 May 8 by Secretary Good, the Secretariat of INPFC received a notification on May 23, 1991, that the Government of Canada formally accepted the amendment to the Annex of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

As specified in Article VII, now that all three Contracting Parties have notified the Commission of their acceptance, the Annex is amended as of this date (1991 May 23).

A copy of the Canadian acceptance is attached.

Sincerely yours,

Bernard E. Skud
Executive Director

Attach.

Memorandum of Understanding Relating to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Vancouver, 1991

Done at Vancouver 16 May 1991

*Entered into force 16 May 1991**

Primary source citation: Copy of text provided by the U.S. Department of State

MEMORANDUM OF UNDERSTANDING

The Delegations of the Governments of the United States of America, Canada and Japan have agreed to record the following, regarding the 1991 fishing season, in connection with the recommendation of April 25, 1991 to amend the Annex (as amended in 1986 and 1990) to the International Convention for the High Seas Fisheries of the North Pacific Ocean ("the Convention"), as amended by the Protocol Amending the Convention signed at Tokyo, on April 25, 1978.

1 The Government of Japan will take the necessary measures to ensure the following:

(a) Only Japanese fishing vessels previously licensed in the traditional high seas mothership salmon fishery may conduct fishing operations in the non-traditional landbased fishery. For 1991, fishing effort in area 2a expressed in cumulative tans of gear will not exceed that fished by the mothership fishery in 1989. In area 4, fishing effort expressed in cumulative tans of gear will not exceed the effort authorized for 1991 under the above-mentioned Annex except that fishing effort will be adjusted proportionally in accordance with the 1991 fishing quota. No vessel may fish more than 330 tans (15 kilometers) a day.

(b) Fishing vessels in the non-traditional landbased fishery will fish in organized fleets. One vessel of each fleet will be designated as the commander vessel with a fleet commander on board designating fishing positions for each fishing vessel. Vessels in each fleet will fish in unison as was the past practice employed in the traditional mothership salmon fishery.

(c) Fishing operations in area 2a (defined in paragraph 1(c) of the above-mentioned Annex) will end by July 15.

(d) Data associated with each fishing vessel's operations in the non-traditional landbased fishery, including but not limited to location of daily operation, and total daily catch will be reported daily to Fisheries Agency of Japan (FAJ) enforcement vessels and the fleet commander. These data will be provided to the U.S. and Canadian sides through the International North Pacific Fisheries Commission 3 weeks prior to the 1991 annual meeting.

(e) Not less than two FAJ patrol vessels will be deployed in each area where the non-traditional landbased fishery is allowed to operate. The FAJ will invite a U.S. or Canadian enforcement observer on a FAJ patrol vessel for the

* This Memorandum of Understanding expired on 31 December 1991.

duration of the fishing season. The status and scope of activities of the observer will be the same as provided for in sub-paragraphs (a) to (d) of paragraph 3 of the MOU on enforcement made at Vancouver, on April 9, 1986. The enforcement observer will be allowed to maintain daily radio contact with his domestic enforcement agency, to have daily access to the fishing operations information reported to the said FAJ patrol vessels pursuant to sub-paragraph (d) above, and to accompany FAJ inspections of all fishing vessels in the non-traditional landbased fishery, including log book and catch inspection. The FAJ patrol vessels will conduct random boardings so that each fishing vessel in the non-traditional landbased fishery is inspected at sea at least twice during the fishing season.

(f) Before the start of the fishing season, the FAJ will provide the U.S. and Canadian sides with the names and brief description of the fishing vessels participating in the non-traditional landbased fishery, including but not limited to the International Radio Call Sign, length, horse-power, hold capacity in metric tons, license number, individual vessel quota, and type and quantity of fishing gear carried. Each fishing vessel is to be assigned a license number. This number will be displayed on both sides of the hull in a color in contrast to the background. The number must be in Roman letters and Arabic numerals at least 60 cm in height.

(g) No transfers of catch at sea will be allowed. No more than two oil-tankers will be used to provide fuel to any fishing vessels in the non-traditional landbased fishery and they will be required to provide their noonday positions on a daily basis to a FAJ patrol vessel deployed in the areas where the non-traditional landbased fishery operates. The oil-tankers are to report to a FAJ patrol vessel before fuel is provided to a fishing vessel in the non-traditional landbased fishery. A FAJ patrol vessel shall monitor fuel provision activities. No resupply operations other than refueling from a tanker will be allowed.

(h) In the area North of 46 degrees North Latitude, between 174 degrees East Longitude and 175 degrees East Longitude, and south of the United States 200 nautical mile-zone, Japanese fishing vessels engaged in the non-traditional landbased fishery will report their location to a FAJ patrol vessel upon entering and departing from this area, as well as at a fixed time every day while the vessel remains in this area.

(i) The FAJ will verify the quantity of fish caught by each fishing vessel engaged in the non-traditional landbased fishery before the vessel departs the fishing grounds to return to Japan and upon landing of the catch in Japan. Each non-traditional landbased fleet will return as a unit accompanied by a FAJ patrol vessel until the fleet enters Japan's 200 mile-zone. Thereafter, each vessel will return directly to one of the ports designated by the FAJ where verification of quantity of fish caught, by species, will be conducted by FAJ enforcement personnel. A U.S. or Canadian enforcement observer will be invited on this patrol vessel for the duration of the patrol vessel's cruise, and will be allowed to accompany FAJ enforcement personnel during verification of fish caught by each vessel and provided access to daily position reports of all fishing vessels in the non-traditional landbased fishery. The Japanese side will provide the U.S. and Canadian sides with appropriate documentation of the verification of fish caught and landed by species, and of the information that all vessels have returned to Japan without delay.

(j) All of the fishing vessels engaged in the non-traditional landbased fishery will carry automatic real-time satellite position fixing devices (transmitters). These transmitters will allow automatic, real-time monitoring of the location and identity of each vessel. All costs associated with the purchase, installation, maintenance and operation of the transmitters, and data transmission costs will be borne by the Japanese side. The U.S. and Canadian sides will bear their own costs for data access. Any fishing vessel in the non-traditional landbased fishery with an inoperative transmitter is to be closely monitored by FAJ patrol vessels.

(k) Collection of biological samples from fishing vessels engaged in the non-traditional landbased fishery will be carried out, to the extent practicable, at the same level as carried out in 1987 for the mothership salmon fishery. The port sampling program will be intensified by the FAJ for the catch of the traditional Japanese landbased salmon fleet, to the extent practicable, to achieve the same sampling level as in the non-traditional landbased fishery. Cooperative research in accordance with Article X of the Convention and the Memorandum of Understanding on Research will be continued on salmonids and marine mammals.

(l) Two U.S. and/or Canadian and two Japanese scientific observers (four observers in total), per fleet, will be given the opportunity to be on board the fishing vessels during the entire fishing season. If the number of vessels in the fleet is reduced to less than 20 vessels in 1991, the U.S., Canadian and Japanese sides will reconsider the number of scientific observers. Details for the arrangements to deploy scientific observers in the non-traditional landbased fishery are contained in the letter from the FAJ to the appropriate agencies of the U.S. and Canada dated May 1, 1990.

(m) The costs related to the deployment of observers will be paid by the countries sending such observers.

2 The Government of Japan will take these measures on amendment of the Annex as mentioned above.

3 These arrangements will be reviewed by the three parties after the 1991 season.

Tokyo, May 16, 1991

Convention Concerning Fishing in the Black Sea, Varna, 1959

Done at Varna 7 July 1959

Entered into force 21 March 1960

Depositary: Bulgaria

Primary source citation: 377 UNTS 220

CONVENTION BETWEEN THE GOVERNMENTS OF THE PEOPLE'S REPUBLIC OF BULGARIA, THE ROMANIAN PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FISHING IN THE BLACK SEA.

The Governments of the People's Republic of Bulgaria, the Romanian People's Republic and the Union of Soviet Socialist Republics,

Having a common interest in the rational utilization of the fishery resources of the Black Sea and in the development of marine fishing,

Have decided to conclude this Convention and have for this purpose appointed as their plenipotentiaries :

The Government of the People's Republic of Bulgaria : Lalyu Ganchev, Deputy Minister for Trade ;

The Government of the Romanian People's Republic : Constantin Teodoru, Deputy Minister for the Consumer Goods Industry ;

The Government of the Union of Soviet Socialist Republics : Yury Kondratyevich Prikhodov, Ambassador Extraordinary and Plenipotentiary of the U.S.S.R. in the People's Republic of Bulgaria ;

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

The Contracting Parties agree to co-operate and to assist one another, in accordance with the provisions of this Convention, in carrying on rational fishing in the Black Sea, in improving fishing technique, and in carrying out research in the field of ichthyology and hydrobiology for the purpose of maintaining and augmenting the stocks of fish in the Black Sea with a view to increasing the yield.

The provisions of this Convention shall not affect the status of the territorial and inland waters of the Contracting Parties.

Article 2

Fishing vessels of the People's Republic of Bulgaria, the Romanian People's Republic and the Union of Soviet Socialist Republics engaged in fishing in the open sea may enter the following ports of refuge in order to shelter from bad weather or in case of damage :

In the People's Republic of Bulgaria : Balchik, Varna, Nesebür, Burgas, Sozopol and Michurin ;

In the Romanian People's Republic : Constanta and Sulina ;

In the Union of Soviet Socialist Republics : Odessa, Evpatoria, Yalta, Novorossysk, Sochi, Sukhum, Poti and Batum.

The list of ports of refuge may be amended by agreement among the Parties to the Convention.

Article 3

In the cases referred to in article 2 of this Convention, the fishing vessels of the Contracting Parties shall where necessary be given an opportunity to repair the damage and to replenish their supplies of foodstuffs, drinking water, fuel, lubricants and other ship's stores so that the vessel may continue on its route or return to its nearest home port, and an opportunity to dispose of their catch fresh at the ports of refuge if it cannot be preserved on board the vessel.

Article 4

The procedure governing the disposal of fish and payment for services rendered to fishing vessels entering ports of refuge and for fish disposed of in the cases referred to in article 3 of this Convention shall be agreed between the competent authorities of the Parties to the Convention.

Article 5

The following shall be the minimum sizes at which fish may be taken :

Beluga (*Huso huso*)	140 cm
Russian sturgeon (*Acipenser güldenstaedti*)	80 cm
Sevryuga (*Acipenser stellatus*)	75 cm
Turbot (*Rhombus maeoticus*)	35 cm
Shad (*Alosa kessleri pontica*)	16 cm

The size of a fish shall be determined by measuring its length from the tip of the snout to the base of the tail fin.

Any fish taken which is under the prescribed size must be put back in the sea.

The taking of fish under the prescribed minimum size shall be permissible in a proportion not exceeding the following percentage by number of the total catch of each protected species :

8 per cent in the case of shad (*Alosa kessleri pontica*) ;

5 per cent in the case of turbot (*Rhombus maeoticus*) ; and

5 per cent in the case of *Acipenseridae* (*Huso huso, Acipenser güldenstaedti, Acipenser stellatus*).

The taking of *Acipenser nudiventris* shall be prohibited for five years from the date of entry into force of this Convention.

Article 6

For the purpose of preparing forecasts for fishing in the Black Sea, the Contracting Parties agree to exchange by any suitable means operational information concerning the migration of industrial fish, indicating the time and place at which they congregate, the direction of movement, the density of the schools, and the hydrometeorological conditions in which such congregations and migrations are observed.

Article 7

With a view to the rational utilization of the stocks of fish in the Black Sea, the Contracting Parties agree to exchange information annually on the results of scientific research in the fields of marine ichthyology, hydrobiology and fishing technique.

The Contracting Parties shall exchange statistical data on catches of fish.

Article 8

With a view to working out and co-ordinating measures for the application of this Convention, a Mixed Commission shall be established.

Within one month after the entry into force of the Convention, each Contracting Party shall appoint one representative to the said Commission and shall communicate the name of its representative to the other Contracting Parties.

The Mixed Commission shall meet at least once a year in the territory of each of the Contracting Parties in turn.

The Mixed Commission shall function under a statute drafted by it at its first meeting and approved by the Contracting Parties.

Article 9

The Mixed Commission shall have the following functions :

(1) It shall work out agreed measures to regulate fishing, with a view to the conservation and augmentation of the stocks of fish in the Black Sea, and to develop industrial fishing technique ;

(2) It shall introduce amendments to article 5 of the Convention concerning the species and dimensions of fish caught in the Black Sea. Proposals for such amendments must be communicated to the representatives of the Contracting Parties on the Mixed Commission not later than three months before the opening of the Commission's regular session ;

(3) It shall co-ordinate the planning of scientific research projects on matters relating to fishing in the Black Sea, to be conducted by the competent authorities of the Contracting Parties ;

(4) It shall determine the nature and extent of the statistical and other data which each Contracting Party shall furnish to the Mixed Commission for the purpose of implementing this Convention ;

(5) It shall exchange information concerning the application of this Convention ;

(6) It shall examine such other matters as the Contracting Parties may refer to it.

Article 10

The Mixed Commission shall make recommendations to the Contracting Parties on the matters referred to in article 9 with the exception of paragraph 2 of that article, on which the Commission may take decisions.

Recommendations and decisions shall be deemed to be adopted by the Mixed Commission if they receive the favourable votes of the representatives of all the Contracting Parties.

The recommendations of the Mixed Commission shall be submitted to the Contracting Parties for approval and may be given effect if none of the Parties raises objections within four months.

Article 11

This Convention shall not impede the conclusion of bilateral agreements on matters relating to fishing in the Black Sea between any two Contracting Parties or between a Contracting Party and any other Black Sea State, so long as such agreements do not conflict with the terms of this Convention.

Article 12

This Convention shall be ratified and shall enter into force on the date of deposit of the last instrument of ratification with the Government of the People's Republic of Bulgaria, in whose archives the original of the Convention shall be kept.

The Government of the People's Republic of Bulgaria shall notify the Governments of all Contracting Parties of the date of deposit of the last instrument of ratification.

Certified the copies of this Convention shall be transmitted by the Government of the People's Republic of Bulgaria to the other Contracting Parties.

Article 13

This Convention is concluded for a term of five years. It shall remain in force for successive terms of five years for those Contracting Parties which do not inform the Government of the People's Republic of Bulgaria, six months before the expiry of the current five-year term, that the wish to terminate the Convention.

Article 14

Other Black Sea States may accede to this Convention.

Article 15

The Government of the People's Republic of Bulgaria shall take the necessary action to register this Convention with the Secretariat of the United Nations.

DONE at Varna, on 7 July 1959, in one copy in the Bulgarian, Romanian and Russian languages, all texts being equally authentic.

Agreement Concerning Co-operation in Marine Fishing, Warsaw, 1962

Done at Warsaw 28 July 1962

Entered into force 22 February 1963

Depositary: Poland

Primary source citation: 460 UNTS 234

[TRANSLATION]

AGREEMENT BETWEEN THE GOVERNMENTS OF THE GERMAN DEMOCRATIC REPUBLIC, THE POLISH PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING CO-OPERATION IN MARINE FISHING

The Governments of the German Democratic Republic, the Polish People's Republic and the Union of Soviet Socialist Republics,

Having a common interest in co-operation in the development of marine fishing, fishing techniques and fish processing technology, as well as in scientific research into the condition of live marine resources,

Have decided to conclude this Agreement and have for this purpose appointed their Plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1

The Contracting Parties agree to co-operate in the development of fishing in the open sea, to consult on practical matters relating to the organization of fishing, to exchange the results of exploration for new fishing grounds and of research into other marine resources, to co-ordinate their research efforts with regard to the raw-materials base of the open sea, and to exchange experience concerning fishing techniques and the preparation, transport and storage of fish products.

Article 2

With a view to working out, co-ordinating and carrying out measures for the application of this Agreement, a Mixed Commission shall be established.

Within one month after the entry into force of this Agreement, each Contracting Party shall appoint a representative and an alternate to the said Commission and shall communicate their names to the other Contracting Parties.

The Mixed Commission shall convene at least once a year in the territory of each of the Contracting Parties in turn, the costs of organizing such sessions to be borne by the Party in whose territory the session is held. The place and date of convening of the Mixed Commission shall be determined by the Commission in advance.

The Mixed Commission shall function in accordance with Rules of Procedure to be drafted at its first meeting and approved by the Contracting Parties.

Article 3

The Mixed Commission shall have the following functions:

(1) It shall prepare plans for scientific and technical co-operation and mutual assistance in the development of fishing in the open sea;

(2) It shall organize the exchange of experience in the operation of fishing fleets, in fishing techniques and in the storage, processing and transport of fish, as well as the exchange of information on the results of fisheries exploration and research into live marine resources conducted by the Contracting Parties;

(3) It shall submit proposals for convening scientific and technical conferences and meetings on various fishery problems of common interest to the Contracting Parties and shall organize the exchange of experience in the training of personnel;

(4) It shall determine the nature and scope of the statistical and other data which each Contracting Party shall furnish to the Mixed Commission with a view to the implementation of this Agreement;

(5) It shall examine such other matters as the Contracting Parties may refer to it.

Article 4

The Mixed Commission shall make recommendations to the Contracting Parties concerning the matters referred to in article 3.

Recommendations and decisions shall be deemed to have been adopted by the Mixed Commission if they receive the favourable votes of the representatives of all the Contracting Parties.

The recommendations of the Mixed Commission shall be submitted to the Contracting Parties for approval and shall be given effect if none of the Parties raises an objection within two months.

Article 5

This Agreement is subject to approval in accordance with the provisions in force in each of the Contracting Parties.

Notifications of the approval of this Agreement shall be transmitted to the Government of the Polish People's Republic, which shall exercise depositary functions.

This Agreement shall enter into force on the date of the receipt of the last notification of its approval.

Article 6

This Agreement is concluded for a term of five years. It shall remain in force for successive terms of five years for those Contracting Parties which do not denounce the Agreement at least six months before the expiry of the current five-year term.

Article 7

The Government of the Polish People's Republic shall take the necessary action to register this Agreement with the Secretariat of the United Nations.

DONE at Warsaw on 28 July 1962, in one copy in the German, Polish and Russian languages, all three texts being equally authentic.

International Convention for the Conservation of Atlantic Tunas, Rio de Janeiro, 1966

Done at Rio de Janeiro 14 May 1966

Entered into force 21 March 1969

Depositary: Food and Agriculture Organization of the United Nations

Primary source citation: 20 UST 2887, TIAS 6767

INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

PREAMBLE

The Governments whose duly authorised representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

ARTICLE I

The area to which this Convention shall apply, hereinafter referred to as the "Convention area", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

ARTICLE II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.

ARTICLE III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention.

2. Each of the Contracting Parties shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in Article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its Members a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

ARTICLE IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus Scomber) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent research to supplement the research work being done by governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this Article shall include:

(a) collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area;

(b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch;

(c) recommending studies and investigations to the Contracting Parties;

(d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

ARTICLE V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

ARTICLE VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

(a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;

(b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;

(c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigations by the Contracting Parties.

ARTICLE VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, inter alia, the following functions as the Commission may prescribe:

(a) co-ordinating the programmes of investigation by the Contracting Parties;

(b) preparing budget estimates for review by the Commission;

(c) authorising the disbursement of funds in accordance with the Commission's budget;

(d) accounting for the funds of the Commission;

(e) arrange for co-operation with the organizations referred to in Article XI of this Convention;

(f) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks;

(g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

ARTICLE VIII

1 (a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.

(b) The recommendations referred to above shall be made:

(i) at the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two-thirds of all the Contracting Parties if an appropriate Panel has been established;

(ii) on the proposal of an appropriate Panel if such a Panel has been established;

(iii) on the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.

3 (a) If any Contracting Party in the case of a recommendation made under paragraph 1 (b) (i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1 (b) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional sixty days.

(b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional sixty days period, or within forty-five days of the date of the notification of an objection made by another Contracting Party within such additional sixty days, whichever date shall be the later.

(c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(d) However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(e) In the case referred to in sub-paragraph (d) above the Contracting Party or Parties concerned shall have an additional period of sixty days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(f) If a recommendation has met with objection from more than one-fourth but less than the majority of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(g) If objections have been presented by a majority of the Contacting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

ARTICLE IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree:

(a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;

(b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries.

ARTICLE X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to:

(a) U.S. $ 1,000 (one thousand United States dollars) for Commission membership.

(b) U.S. $ 1,000 (one thousand United States dollars) for each Panel membership.

(c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one-third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two-thirds the Commission shall determine on the basis of the latest available information:

(i) the total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party;

(ii) the total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this sub-paragraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise re-apportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The Executive Secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

ARTICLE XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, inter alia, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

ARTICLE XII

1. This Convention shall remain in force for ten years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt

of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than April first of that year.

ARTICLE XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XIV

1. This Convention shall be open for signature by any Government which is a member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

ARTICLE XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV of deposits of instruments of ratification, approval or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

ARTICLE XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies to the Governments referred to in paragraph 1 or Article XIV.

IN WITNESS WHEREOF the representatives duly authorized by their respective Governments have signed the present Convention. Done at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

Protocol to the International Convention for the Conservation of Atlantic Tunas, Paris, 1984

Done at Paris 10 July 1984

Not in force

Primary source citation: Senate Treaty Document 99-4, 99th Congress, 1st Session, U.S. Government Printing Office, Washington, 1985

Protocol Attached to the Final Act of the Conference of Plenipotentiaries of the States Parties to the International Convention for the Conservation of Atlantic Tunas

I. Articles XIV, XV and XVI of the International Convention for the Conservation of Atlantic Tunas are modified as follows:

ARTICLE XIV

1. This Convention shall be open for signature by the Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their Constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.

4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term "State" in Article IX, paragraph 3, and to the term "government" in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.

6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

ARTICLE XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the Governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

II. The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. It shall be open for signature in Rome until September 10, 1984. The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas that have not signed the Protocol by that date may nevertheless deposit their instruments of acceptance at any time. The Director-General of the Food and Agriculture Organization of the United Nations shall send a certified copy of this Protocol to each of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas.

III. This Protocol shall enter into force upon deposit with the Director-General of the Food and Agriculture Organization of the United Nations of instruments of approval, ratification or acceptance of all Contracting Parties. In this regard, the provisions set out in the last sentence of paragraph 1 of Article XIII of the International Convention for the Conservation of Atlantic Tunas shall apply *mutatis mutandis*. The date of entry into force shall be the thirtieth day following the deposit of the last instrument.

Done at Paris, July 10, 1984.

Protocol to Amend Paragraph 2 of Article X of the International Convention for the Conservation of Atlantic Tunas, Madrid, 1992

Done at Madrid 5 June 1992

Not in force

Primary source citation: Senate Treaty Document 103-4, 103d Congress, 1st Session, U.S. Government Printing Office, Washington, 1993

PROTOCOL
to Amend Paragraph 2 of Article X of the International Convention for the Conservation of Atlantic Tunas

The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas, adopted in Rio de Janeiro on May 14, 1966,

Have agreed as follows:

ARTICLE 1

Paragraph 2 of Article X of the Convention shall be modified as follows:

> "2. Each Contracting Party shall contribute annually to the budget of the Commission an amount calculated in accordance with a scheme provided for in the Financial Regulations, as adopted by the Commission. The Commission, in adopting this scheme, should consider *inter alia* each Contracting Party's fixed basic fees for Commission and Panel membership, the total round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes and the degree of economic development of the Contracting Parties.
>
> "The scheme of annual contributions in the Financial Regulations shall be established or modified only through the agreement of all the Contracting Parties present and voting. The Contracting Parties shall be informed of this ninety days in advance."

ARTICLE 2

The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. It shall be open for signature in Madrid on June 5, 1992 and thereafter in Rome. The Contracting Parties

to the Convention that have not signed the Protocol may nevertheless deposit their instruments of acceptance at any time. The Director-General of the Food and Agriculture Organization of the United Nations shall send a certified copy of this Protocol to each of the Contracting Parties to the Convention.

ARTICLE 3

This Protocol shall enter into force for all the Contracting Parties the ninetieth day following the deposit with the Director-General of the Food and Agriculture Organization of the United Nations of the last instrument of approval, ratification or acceptance by three-quarters of the Contracting Parties, and these three-quarters shall include all of the Parties classified by the United Nations Conference on Trade and Development as of June 5, 1992, as developed market economy countries. Any Contracting Party not included in this category of countries can, within six months following the notification of the adoption of the Protocol by the Director-General of the Food and Agriculture Organization of the United Nations, request the suspension of the entry into force of said Protocol. The provisions set out in the last sentence of Paragraph 1 of Article XIII of the International Convention for the Conservation of Atlantic Tunas shall apply *mutatis mutandis*.

ARTICLE 4

The scheme of calculating the amount of the contribution of each Contracting Party provided by the Financial Regulations, shall be applied from the financial period following that in which this Protocol enters into force.

IN WITNESS WHEREOF, the undersigned, duly authorized representatives of the States listed below, have signed this Protocol:

Convention on Conduct of Fishing Operations in the North Atlantic, London, 1967

Done at London 1 June 1967

*Entered into force 26 September 1976**

Depositary: United Kingdom

Primary source citation: Senate Executive D, 91st Congress, 1st Session, U.S. Government Printing Office, Washington, 1969

CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

ARTICLE 1

(1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

"fishing vessel" means any vessel engaged in the business of catching fish;

"vessel" means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

ARTICLE 2

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

* This Convention is not in force for the United States.

ARTICLE 3

(1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels and their small boats and fishing implements.

ARTICLE 4

(1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

ARTICLE 5

Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marking shall be in accordance with the provisions of Annex IV to this Convention.

ARTICLE 6

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with Article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

ARTICLE 7

(1) In any dispute that arises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes:

> At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

ARTICLE 8

(1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

ARTICLE 9

(1) To facilitate the implementation of the provisions of the Convention the arrangements set out in this Article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon the request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorized officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer, may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose

any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

ARTICLE 10

(1) Any Contracting Party may propose amendments to the Articles of this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. Any amendment shall take effect on the thirtieth day after its acceptance by all Contracting Parties.

(2) When requested by one-fourth of the Contracting Parties, the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Articles of this Convention. Amendments shall be adopted unanimously at such a meeting and shall be notified by the depositary Government to all Contracting Parties and shall take effect on the thirtieth day after they have been accepted by all Contracting Parties.

(3) Notifications of acceptance of amendments shall be sent to the depositary Government.

ARTICLE 11

(1) Any Contracting Party may propose amendments to the Annexes to this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. The depositary Government shall inform all Contracting Parties of the date on which notices of acceptance of an amendment by two-thirds of the Contracting Parties have been received. The amendment shall take effect with respect to all Contracting Parties on the one hundred and fiftieth day after that date, unless within a period of one hundred and twenty days from the same date any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

(2) When requested by three Contracting Parties the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Annexes to this Convention. An amendment adopted at such a meeting by a two-thirds majority of the Contracting Parties represented shall be notified by the depositary Government to all Contracting Parties and shall take effect with respect to all Contracting Parties on the two hundred and tenth day after the date of notification, unless within one hundred and eighty days from the date of notification any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

ARTICLE 12

The Contracting Parties shall notify the depositary Government of the competent authorities they have designated for the purposes of each of the relevant provisions of this Convention. The depositary Government shall inform the Contracting Parties of any such notification.

ARTICLE 13

(1) Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration.

(2) The request for arbitration shall include a description of the claim to be submitted and a summary statement of the grounds on which the claim is based.

(3) Unless the parties agree otherwise, the arbitration commission shall be composed of one member appointed by each party to the dispute and an additional member, who shall be the chairman, chosen in common agreement between the parties. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties. Other details of procedure shall be determined by special agreement between the parties.

(4) Notwithstanding the provisions of paragraph (3), the parties may agree to submit the dispute to arbitration in accordance with another arrangement operating between the parties.

(5) If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute (as referred to in paragraph (1) to the International Court of Justice by request in conformity with the Statute of the Court.

(6) Notwithstanding the provision of paragraph (1), the parties may agree to submit the dispute to the International Court of Justice.

ARTICLE 14

(1) Except as provided in paragraphs (2) and (3) below and paragraph (3) of Article 17, no reservations may be made to the present Convention without the agreement of the Contracting Parties and signatory Governments. When one year has elapsed after the entry into force of the Convention, the agreement of the Contracting Parties only shall be required.

(2) At the time of signature, ratification, approval or accession any State may make a reservation to Article 13 of the present Convention.

(3) Any State may, at the time of signature, ratification, approval or accession, make a reservation to paragraphs (5) and (6) of Article 9 with respect to one or more of the other Contracting Parties or signatory Governments.

(4) Any State which has made a reservation in accordance with the preceding paragraphs or paragraph (3) of Article 17 may at any time withdraw the reservation by a communication to that effect addressed to the depositary Government.

ARTICLE 15

The present Convention shall be open for signature at London from 1st June to 30th November, 1967. It is subject to ratification or approval. The instruments of ratification or approval shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 16

(1) The present Convention shall enter into force on the ninetieth day following the date of deposit of the tenth instrument of ratification or approval.

(2) Thereafter the Convention shall enter into force for each State on the ninetieth day after deposit of its instrument of ratification or approval.

ARTICLE 17

(1) Any State which has not signed the Convention may accede thereto at any time after the Convention has entered into force, provided that three-fourths of the Contracting Parties and signatory Governments agree to the proposed accession. When one year has elapsed after the entry into force of the Convention, the agreement of three-fourths of the Contracting Parties only shall be required.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland. The Convention shall enter into force for each acceding State on the ninetieth day after the deposit of its instrument of accession.

(3) At any time up to the entry into force of the Convention for a State which accedes under this Article, a Contracting Party may make a reservation to paragraphs (5) and (6) of Article 9 with respect to that State.

ARTICLE 18

(1) Any Contracting Party may, when depositing its instruments of ratification, approval or accession, or at any later date, by declaration addressed to the depositary Government, extend this Convention to any territory or territories for whose international relations it is responsible. The provisions of this Convention shall enter into force for such territory or territories on the ninetieth day after receipt of such declaration, or on the date on which the Convention enters into force in accordance with paragraph (1) of Article 16, whichever is the later.

(2) Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 19.

ARTICLE 19

At any time after four years from the date on which this Convention has entered into force in accordance with paragraph (1) of Article 16, any Contracting Party may denounce the Convention by means of a notice in writing addressed to the depositary Government. Any such notice shall take effect twelve months after the date of its receipt. The Convention shall remain in force as between the other Parties.

ARTICLE 20

When the present Convention has entered into force, it shall be registered by the depository Government with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Convention.

DONE at London this first day of June, 1967, in the English and French languages, each text being equally authentic, in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.

Annex I

AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

(*a*) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;

(*b*) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10′ north latitude to a point 75° north latitude and 73° 30′ west longitude, thence along a rhumb line to a point 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30′ west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;

(c) in the east by 51° east longitude, but excluding—

(i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbierg Head to the Kullen; and

(ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36′ west longitude.

Annex II

IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

RULE 1

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessels so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats, and where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

RULE 2

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

Annex III

ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

RULE 1

General

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken

for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in Article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0·92 m.) apart but at a lower level than the lights prescribed in Rule 9(*c*) (i) and (*d*) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9(*b*) of the above Regulations.

RULE 2

Signals for Trawling and Drift netting

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

(i) when shooting their nets:
two white lights in a vertical line one over the other;

(ii) when hauling their nets:
one white light over one red light in a vertical line one over the other;

(iii) when the net has come fast upon an obstruction:
two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

(i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;

(ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;

(iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.

(4) This rule need not be applied to fishing vessels of less than 65 feet (19·80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 3

Light signals for Purse Seining

(1) Fishing vessels engaged in fishing with purse seines shall show two amber coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) This rule need not be applied to fishing vessels of less than 85 feet (25·90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 4

Sound signals

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

Annex IV

MARKING OF NETS, LINES AND OTHER GEAR

RULE 1

Anchored gear

(1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.

(2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70–100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

RULE 2

Drift gear

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

Annex V

RULES GOVERNING THE OPERATIONS OF VESSELS

RULE 1

Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

RULE 2

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

RULE 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

RULE 4

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

RULE 5

No vessel shall use or have on board explosives intended for the catching of fish.

RULE 6

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

RULE 7

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

Annex VI

RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorised officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II Rule 2(1) and the fact of such document having been exhibited shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel.

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in Article 1(2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of Article 9, and communicate with vessels, only from surface craft.

Appendix

REPORT IN ACCORDANCE WITH PARAGRAPH (5) OF ANNEX VI TO THE CONVENTION

AUTHORISED OFFICER

1. Name and nationality.
2. Name of ship carrying him.

POSITION, DATE AND TIME OF OCCURRENCE

3.

PROVISION OF THE CONVENTION IN QUESTION

4.

INFORMATION ON EACH VESSEL INVOLVED

General

5. Nationality.
6. Vessel's name and registration.
7. Skipper's name.
8. Owner's name and address.
9. Position, date and time of boarding.

At the Time of Occurrence

10. Fishing gear in use.
11. Stopped, anchored or estimated course and speed.
12. Signals or lights displayed and sound signals made.
13. Warnings given to other vessel(s).
14. Direction in which gear was shot or lying.
15. The horizontal distance gear extended from the vessel.

CONDITIONS AT THE TIME OF OCCURRENCE

16. Visibility.
17. Wind force and direction.
18. State of sea and tide and direction and strength of currents.
19. Other relevant conditions.
20. Describe, with the help of diagrams if necessary, the relative positions of vessels and gear.
21. Marking of any anchored or drifting gear involved.

ADDITIONAL INFORMATION

22. Full particulars of loss or damage, giving condition of any gear involved.

23. Narrative description of occurrence.

24. Comments by Authorised Officer.

25. Statements by Witnesses.

26. Statements by Skippers of vessels involved.

27. Statements of photographs taken, with description of subjects (photographs to be attached to copy of report submitted to flag State).

Signature of Authorised Officer_____

The above report was prepared and signed by the Authorised Officer in our presence.

Signatures of Skippers _____

Signatures of Witnesses _____

Certified a true copy:

[SEAL]

V. A. TODD,
For Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

1 DECEMBER, 1967

Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belts, Gdansk, 1973

Done at Gdansk 13 September 1973

*Entered into force 28 July 1974**

Depositary: Poland

Primary source citation: 12 ILM 1291 (1973)

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES IN THE BALTIC SEA AND THE BELTS

The States Parties to this Convention

- bearing in mind that maximum and stable productivity of the living resources of the Baltic Sea and the Belts is of great importance to the States of the Baltic Sea basin,

- recognizing their joint responsibility for the conservation of the living resources and their national exploitation,

- being convinced that the conservation of the living resources of the Baltic Sea and the Belts calls for closer and more expanded co-operation in this region,

have agreed as follows:

ARTICLE I

The Contracting States shall:

- Co-operate closely with a view to preserving and increasing the living resources of the Baltic Sea and the Belts and obtaining the optimum yield, and, in particular to expanding and co-ordinating studies towards these ends,

- Prepare and put into effect organizational and technical projects on conservation and growth of the living resources, including measures of artificial reproduction of valuable fish species and/or contribute financially to such measures, on a just and equitable basis, as well as take other steps towards rational and effective exploitation of the living resources.

* This Convention is not in force for the United States.

ARTICLE II

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters of the Baltic Sea and the Belts, excluding internal waters bounded in the west by a line as from Hasenore Head to Gniben Foint, from Korshage to Spodsbierg and from Gilbierg Head to the Kullen.

2. This Convention shall apply to all fish species and other living marine resources in the Convention Area.

ARTICLE III

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in regard to the limits of territorial waters and to the extent of jurisdiction over fisheries, according to international law.

ARTICLE IV

For the purpose of this Convention the term "vessel" means any vessel or boat employed in catching or treating fish or other living marine organisms and which is registered or owned in the territory of, or which flies the flag of, any Contracting State.

ARTICLE V

1. An International Baltic Sea Fishery Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of this Convention.

2. Each Contracting State may appoint not more than two representatives as members of the Commission and such experts and advisers to assist them as that State may determine.

3. The Commission shall elect a Chairman and a Vice-Chairman from amongst its members who shall serve for a period of four years and who shall be eligible for re-election, but not for two consecutive terms of office.

The Chairman and the Vice-Chairman shall be elected from the representatives of different Contracting States.

4. A member of the Commission elected as its Chairman shall forthwith cease to act as a representative of a State and shall not vote. The State concerned shall have the right to appoint another representative to serve in the Chairman's place.

ARTICLE VI

1. The Office of the Commission shall be in Warsaw.

2. The Commission shall appoint its Secretary and as it may require appropriate staff to assist him.

3. The Commission shall adopt its rules of procedure and other provisions which the Commission shall consider necessary for its work.

ARTICLE VII

1. The Commission shall adopt its financial rules.

2. The Commission shall adopt a two years budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget including any supplementary budget shall be contributed by the Contracting States in equal parts.

4. Each Contracting State shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

ARTICLE VIII

1. Except where the Commission decides otherwise, it shall hold its sessions every two years in Warsaw at such time as it shall deem suitable. Upon the request of a representative of a Contracting State in the Commission, provided it is endorsed by a representative of another Contracting State, the Chairman of the Commission shall, as soon as possible, summon an extraordinary session at such time and place as he determines, however not later than three months from the date of the submission of the request.

2. The first session of the Commission shall be called by the Depositary Government of this Convention and shall take place within a period of ninety days from the date following the entry into force of this Convention.

3. Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of votes of the Contracting States, present and voting at the meeting.

4. English shall be the working language of the Commission. The languages of the Signatory States are the official languages of the Commission. Only recommendations, decisions and resolutions of the Commission shall be made in these languages.

At meetings of the Commission any Contracting State has the right to have all the proceedings translated into its own language. All the costs related to such translations shall be borne by that State.

ARTICLE IX

1. It shall be the duty of the Commission:

   a) to keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analysing and disseminating statistical data, for example concerning catch, fishing effort, and other information,

   b) to work out proposals with regard to co-ordination of scientific research in the Convention area,

   c) to prepare and submit recommendations based as far as practicable on results of the scientific research and concerning measures referred to in Article X for consideration of the Contracting States.

2. In implementing its functions, the Commission shall, when appropriate, seek the services of the International Council for the Exploration of the Sea (ICES) and of other international technical and scientific organizations and shall make use of information provided by the official bodies of the Contracting States.

3. To perform its functions the Commission may set up working groups or other subsidiary bodies and determine their composition and terms of reference.

ARTICLE X

Measures relating to the purposes of this Convention which the Commission may consider and in regard of which it may make recommendations to the Contracting States are:

a) any measures for the regulation of fishing gear, appliances and catching methods,

b) any measures regulating the size limits of fish that may be retained on board vessels or landed, exposed or offered for sale,

c) any measures establishing closed seasons,

d) any measures establishing closed areas,

e) any measures improving and increasing the living marine resources, including artificial reproduction and transplantation of fish and other organisms,

f) any measures regulating and/or allocating between the Contracting States the amount of total catch or the amount of fishing effort according to objects, kinds, regions and fishing periods,

g) any measures of control over the implementation of recommendations binding on the Contracting States,

h) any other measures related to the conservation and rational exploitation of the living marine resources.

ARTICLE XI

1. Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article X of this Convention from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.

2. Any Contracting State may within ninety days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation.

A Contracting State may also at any time withdraw its objection and give effect to a recommendation.

In the event of an objection being made within the ninety-days period, any other Contracting State may similarly object at any time within a further period of sixty days.

3. If objections to a recommendation are made by three or more Contracting States, the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation.

4. The Commission shall notify each Contracting State immediately upon receipt of each objection or withdrawal.

ARTICLE XII

1. Each Contracting State shall take in regard to its nationals and its vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding for the Contracting State and in case of their infringement shall take appropriate action.

2. Without prejudice to the sovereign rights of the Contracting States in regard to their territorial sea and to the rights in their fishing zones, each Contracting State shall implement recommendations of the Commission binding on that State through its national authorities, within its territorial sea and in the waters under its fisheries jurisdiction.

3. Each Contracting State shall furnish to the Commission at such time and in such form as may be required by the Commission, the available statistical data and information referred to in Article IX paragraph 1 (a), as well as information on all actions taken by it in accordance with paragraphs 1 and 2 of this Article.

ARTICLE XIII

The Commission shall draw the attention of any State which is not a party to this Convention to such fishing operations, undertaken by its nationals or vessels in the Convention area, which might affect negatively the activities of the Commission or the implementation of the purposes of this Convention.

ARTICLE XIV

The provisions of this Convention shall not apply to operations conducted solely for the purpose of scientific investigations by vessels authorized by a Contracting State for that purpose, or to fish and other marine organisms taken in the course of such operations. Catch so taken shall not be sold, exposed or offered for sale.

ARTICLE XV

1. The Commission shall co-operate with other international organizations having related objectives.

2. The Commission may extend an invitation to any international organization concerned or to the Government of any State, not a party to this Convention, to participate as an observer in the sessions of the Commission or meetings of its subsidiary bodies.

ARTICLE XVI

1. Each Contracting State may propose amendments to this Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting States, which shall inform the Depositary Government about either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting States.

2. Each State, which shall become a party to this Convention after the entry into force of an amendment in accordance with the provisions of paragraph 1 of this Article, is obliged to apply the Convention as amended.

ARTICLE XVII

1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depositary Government.

2. This Convention shall be open for accession to any State interested in preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States. Instruments of accession shall be deposited with the Depositary Government.

ARTICLE XVIII

1. This Convention shall enter into force on the ninetieth day following the date of the deposit of the fourth instrument of ratification or approval.

2. After entry into force of this Convention in accordance with paragraph 1 of this Article, the Convention shall enter into force for any other State, the Government of which has deposited an instrument of ratification, approval or accession, on the thirtieth day following the date of deposit of such instrument with the Depositary Government.

ARTICLE XIX

At any time after the expiration of five years from the date of entry into force of this Convention any Contracting State may, by giving written notice to the Depositary Government, withdraw from this Convention.

The withdrawal shall take effect for such Contracting State on the thirty-first of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

ARTICLE XX

1. The Depositary Government shall inform all Signatory and Acceding States:

   a) of signatures of this Convention and deposit of each instrument of ratification, approval or accession, as well as of submitted declarations,

   b) of the date of entry into force of this Convention,

   c) of proposals relating to amendments to the Convention, notifications of acceptance and of the entry into force of such amendments,

   d) of notifications of withdrawal.

2. The original of this Convention shall be deposited with the Government of the Polish People's Republic, which shall transmit certified copies thereof to the Government of all Signatory States and of all States which accede to this Convention.

3. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

DONE at Gdansk this thirteenth day of September, one thousand nine hundred and seventy three, in a single copy drawn up in the Danish, Finnish, German, Polish, Russian, Swedish and English languages, each text being equally authentic.

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, 1978

Done at Ottawa 24 October 1978

*Entered into force 1 January 1979**

Depositary: Canada

Primary source citation: Senate Executive T, 96th Congress, 1st Session, U.S. Government Printing Office, Washington, 1979

CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

The Contracting Parties,

Noting that the coastal States of the Northwest Atlantic have, in accordance with relevant principles of international law, extended their jurisdiction over the living resources of their adjacent waters to limits of up to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured, and exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources;

Taking into account the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries;

Desiring to promote the conservation and optimum utilization of the fishery resources of the Northwest Atlantic area within a framework appropriate to the regime of extended coastal State jurisdiction over fisheries, and accordingly to encourage international cooperation and consultation with respect to these resources;

Have agreed as follows:

Article I. 1. The area to which this Convention applies, hereinafter referred to as "the Convention Area", shall be the waters of the Northwest Atlantic Ocean north of 35°00′ north latitude and west of a line extending due north from 35°00′ north latitude and 42°00′ west longitude to 59°00′ north latitude, thence due west to 44°00′ west longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10′ north latitude.

2. The area referred to in this Convention as "the Regulatory Area" is that part of the Convention Area which lies beyond the areas in which coastal States exercise fisheries jurisdiction.

* This Convention is not in force for the United States.

3. For the purposes of this Convention,"coastal State" shall hereinafter mean a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area.

4. This Convention applies to all fishery resources of the Convention Area, with the following exceptions: salmon, tunas and marlins, cetacean stocks managed by the International Whaling Commission or any successor organization, and sedentary species of the Continental Shelf, i.e., organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

5. Nothing in this Convention shall be deemed to affect or prejudice the positions or claims of any Contracting Party in regard to internal waters, the territorial sea, or the limits or extent of the jurisdiction of any Party over fisheries; or to affect or prejudice the views or positions of any Contracting Party with respect to the law of the sea.

Article II. 1. The Contracting Parties agree to establish and maintain an international organization whose object shall be to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area. This organization shall be known as the Northwest Atlantic Fisheries Organization, hereinafter referred to as "the Organization", and shall carry out the functions set forth in this Convention.

2. The Organization shall consist of:

(*a*) A General Council;

(*b*) A Scientific Council;

(*c*) A Fisheries Commission; and

(*d*) A Secretariat.

3. The Organization shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between the Organization and the Contracting Party concerned.

4. The headquarters of the Organization shall be at Dartmouth, Nova Scotia, Canada, or at such other place as may be decided by the General Council.

Article III. The functions of the General Council shall be:

(*a*) To supervise and coordinate the organizational, administrative, financial and other internal affairs of the Organization, including the relations among it constituent bodies;

(*b*) To coordinate the external relations of the Organization;

(*c*) To review and determine the membership of the Fisheries Commission pursuant to Article XIII; and

(*d*) To exercise such other authority as is conferred upon it by this Convention.

Article IV. 1. Each Contracting Party shall be a member of the General Council and shall appoint to the Council not more than three representatives who may be accompanied at any of its meetings by alternates, experts and advisers.

2. The General Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman shall be a representative of a Contracting Party that is a member of the Fisheries Commission and the Chairman and Vice-Chairman shall be representatives of different Contracting Parties.

3. The Chairman shall be the President of the Organization and shall be its principal representative.

4. The Chairman of the General Council shall convene a regular annual meeting of the Organization at a place decided upon by the General Council and which shall normally be in North America.

5. Any meeting of the General Council, other than the annual meeting, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of a Contracting Party with the concurrence of another Contracting Party.

6. The General Council may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article V. 1. Each Contracting Party shall have one vote in proceedings of the General Council.

2. Except where otherwise provided, decisions of the General Council shall be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.

3. The General Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions.

4. The General Council shall submit to the Contracting Parties an annual report of the activities of the Organization.

Article VI. 1. The functions of the Scientific Council shall be:

(*a*) To provide a forum for consultation and cooperation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and views relating to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;

(*b*) To compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;

(*c*) To provide scientific advice to coastal States, where requested to do so pursuant to Article VII; and

(*d*) To provide scientific advice to the Fisheries Commission, pursuant to Article VIII or on its own initiative as required for the purposes of the Commission.

2. The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organizations having related objectives.

3. The Contracting Parties shall furnish to the Scientific Council any available statistical and scientific information requested by the Council for the purpose of this Article.

Article VII. 1. The Scientific Council shall, at the request of a coastal State, consider and report on any question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the fisheries jurisdiction of that coastal State within the Convention Area.

2. The coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council pursuant to paragraph 1. These terms of reference shall include, along with any other matters deemed appropriate, such of the following as are applicable:

(*a*) A statement of the question referred, including a description of the fisheries and area to be considered;

(*b*) Where scientific estimates or predictions are sought, a description of any relevant factors or assumptions to be taken into account; and

(c) Where applicable, a description of any objectives the coastal State is seeking to attain and an indication of whether specific advice or a range of options should be provided.

Article VIII. The Scientific Council shall consider and report on any question referred to it by the Fisheries Commission pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area and shall take into account the terms of reference specified by the Fisheries Commission in respect of that question.

Article IX. 1. Each Contracting Party shall be a member of the Scientific Council and shall appoint to the Council its own representatives who may be accompanied at any of its meetings by alternates, experts and advisers.

2. The Scientific Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman and Vice-Chairman shall be representatives of different Contracting Parties.

3. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article IV, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of a coastal State or upon the request of a Contracting Party with the concurrence of another Contracting Party.

4. The Scientific Council may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article X. 1. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where consensus cannot be achieved, the Council shall set out in its report all views advanced on the matter under consideration.

2. Decisions of the Scientific Council with respect to the election of officers, the adoption and the amendment of rules and other matters pertaining to the organization of its work shall be taken by a majority of votes of all Contracting Parties present and casting affirmative or negative votes, and for these purposes each Contracting Party shall have one vote. No vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.

3. The Scientific Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions.

Article XI. 1. The Fisheries Commission, hereinafter referred to as "the Commission", shall be responsible for the management and conservation of the fishery resources of the Regulatory Area in accordance with the provisions of this Article.

2. The Commission may adopt proposals for joint action by the Contracting Parties designed to achieve the optimum utilization of the fishery resources of the Regulatory Area. In considering such proposals, the Commission shall take into account any relevant information or advice provided to it by the Scientific Council.

3. In the exercise of its functions under paragraph 2, the Commission shall seek to ensure consistency between:

(*a*) Any proposal that applies to a stock or group of stocks occurring both within the Regulatory Area and within an area under the fisheries jurisdiction of a coastal State, or any proposal that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a coastal State, and

(*b*) Any measures or decisions taken by the coastal State for the management and conservation of that stock or group of stocks with respect to fishing activities conducted within the area under its fisheries jurisdiction.

The appropriate coastal State and the Commission shall accordingly promote the coordination of such proposals, measures and decisions. Each coastal State shall keep the Commission informed of its measures and decisions for the purpose of this Article.

4. Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account the interests of Commission members whose vessels have traditionally fished within that Area, and, in the

allocation of catches from the Grand Banks and Flemish Cap, Commission members shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks and which has undertaken extensive efforts to ensure the conservation of such stocks through international action, in particular, by providing surveillance and inspection of international fisheries on these banks under an international scheme of joint enforcement.

5. The Commission may also adopt proposals for international measures of control and enforcement within the Regulatory Area for the purpose of ensuring within that Area the application of this Convention and the measures in force thereunder.

6. Each proposal adopted by the Commission shall be transmitted by the Executive Secretary to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 1 of Article XII.

7. Subject to the provisions of Article XII, each proposal adopted by the Commission under this Article shall become a measure binding on all Contracting Parties to enter into force on a date determined by the Commission.

8. The Commission may refer to the Scientific Council any question pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area and shall specify terms of reference for the consideration of that question.

9. The Commission may invite the attention of any or all Commission members to any matters which relate to the objectives and purposes of this Convention within the Regulatory Area.

Article XII. 1. If any Commission member presents to the Executive Secretary an objection to a proposal within sixty days of the date of transmittal specified in the notification of the proposal by the Executive Secretary, the proposal shall not become a binding measure until the expiration of forty days following the date of transmittal specified in the notification of that objection to the Contracting Parties. Thereupon any other Commission member may similarly object prior to the expiration of the additional forty-day period, or within thirty days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty-day period, whichever shall be the later. The proposal shall then become a measure binding on the Contracting Parties, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Commission members, the proposal shall not become a binding measure, unless any or all of the Commission members nevertheless agree as among themselves to be bound by it on an agreed date.

2. Any Commission member which has objected to a proposal may at any time withdraw that objection and the proposal immediately shall become a measure binding on such a member, subject to the objection procedure provided for in this Article.

3. At any time after the expiration of one year from the date on which a measure enters into force, any Commission member may give to the Executive Secretary notice of its intention not to be bound by the measure, and, if that notice is not withdrawn, the measure shall cease to be binding on that member at the end of one year from the date of receipt of the notice by the Executive Secretary. At any time after a measure has ceased to be binding on a Commission member under this paragraph, the measure shall cease to be binding on any other Commission member upon the date a notice of its intention not to be bound is received by the Executive Secretary.

4. The Executive Secretary shall immediately notify each Contract Party of:

(*a*) The receipt of each objection and withdrawal of objection under paragraphs 1 and 2;

(*b*) The date on which any proposal becomes a binding measure under the provisions of paragraph 1; and

(*c*) The receipt of each notice under paragraph 3.

Article XIII. 1. The membership of the Commission shall be reviewed and determined by the General Council at its annual meeting and shall consist of:

(*a*) Each Contracting Party which participates in the fisheries of the Regulatory Area; and

(*b*) Any Contracting Party which has provided evidence satisfactory to the General Council that it expects to participate in the fisheries of the Regulatory Area during the year of that annual meeting or during the following calendar year.

2. Each Commission member shall appoint to the Commission not more than three representatives who may be accompanied at any of its meetings by alternates, experts and advisers.

3. Any Contracting Party that is not a Commission member may attend meetings of the Commission as an observer.

4. The Commission shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman and Vice-Chairman shall be representatives of different Commission members.

5. Any meeting of the Commission, other than the annual meeting convened pursuant to Article IV, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of any Commission member.

6. The Commission may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article XIV. 1. Each Commission member shall have one vote in proceedings of the Commission.

2. Decisions of the Commission shall be taken by a majority of the votes of all Commission members present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Commission members.

3. The Commission shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions.

Article XV. 1. The Secretariat shall provide services to the Organization in the exercise of its duties and functions.

2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the General Council according to such procedures and on such terms as it may determine.

3. The staff of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined by the General Council.

4. The Executive Secretary shall, subject to the general supervision of the General Council, have full power and authority over staff of the Secretariat and shall perform such other functions as the General Council shall prescribe.

Article XVI. 1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.

2. The General Council shall adopt an annual budget for the Organization

3. The General Council shall establish the contributions due from each Contracting Party under the annual budget on the following basis:

(*a*) 10% of the budget shall be divided among the coastal States in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year;

(*b*) 30% of the budget shall be divided equally among all the Contracting Parties; and

(*c*) 60% of the budget shall be divided among all Contracting Parties in proportion to their nominal catches in the Conventional Area in the year ending two years before the beginning of the budget year.

The nominal catches referred to above shall be the reported catches of the species listed in Annex I, which forms an integral part of this Convention.

4. The Executive Secretary shall notify each Contracting Party of the contribution due from that Party as calculated under paragraph 3, and as soon as possible thereafter each Contracting Party shall pay to the Organization its contribution.

5. Contributions shall be payable in the currency of the country in which the headquarters of the Organization is located, except if otherwise authorized by the General Council.

6. Subject to paragraph 11, the General Council shall, at its first meeting, approve a budget for the balance of the first financial year in which the Organization functions and the Executive Secretary shall transmit to the Contracting Parties copies of that budget together with notices of their respective contributions.

7. For subsequent financial years, drafts of the annual budget shall be submitted by the Executive Secretary to each Contracting Party together with a schedule of contributions, not less than sixty days before the annual meeting of the Organization at which the budgets are to be considered.

8. A Contracting Party acceding to this Convention during the course of a financial year shall contribute in respect of that year a part of the contribution calculated in accordance with the provisions of this Article that is proportional to the number of complete months remaining in the year.

9. A Contracting Party which has not paid its contributions for two consecutive years shall not enjoy any right of casting votes and presenting objections under this Convention until it has fulfilled its obligations, unless the General Council decides otherwise.

10. The financial affairs of the Organization shall be audited annually by external auditors to be selected by the General Council.

11. If the Convention enters into force on 1 January 1979, the provisions of Annex II, which forms an integral part of this Convention, shall apply in place of the provisions of paragraph 6.

Article XVII. The Contracting Parties agree to take such action, including the imposition of adequate sanctions for violations, as may be necessary to make effective the provisions of the Convention and to implement any measures which become binding under paragraph 7 of Article XI and any measures which are in force under Article XXIII. Each Contracting Party shall transmit to the Commission an annual statement of the actions taken by it for these purposes.

Article XVIII. The Contracting Parties agree to maintain in force and to implement within the Regulatory Area a scheme of joint international enforcement as applicable pursuant to Article XXIII or as modified by measures referred to in paragraph 5 of Article XI. This scheme shall include provision for reciprocal rights of boarding and inspection by the Contracting Parties and for flag State prosecution and sanctions on the basis of evidence resulting from such boardings and inspections. A report of such prosecutions and sanctions imposed shall be included in the annual statement referred to in Article XVII.

Article XIX. The Contracting Parties agree to invite the attention of any State not a Party to this Convention to any matter relating to the fishing activities in the Regulatory Area of the nationals or vessels of that State which appear to affect adversely the attainment of the objectives of this Convention. The Contracting Parties further agree to confer when appropriate upon the steps to be taken towards obviating such adverse effects.

Article XX. 1. The Convention Area shall be divided into scientific and statistical sub-areas, divisions and subdivisions, the boundaries of which shall be those defined in Annex III to this Convention.

2. On the request of the Scientific Council, the General Council may by a two-thirds majority vote of all Contracting Parties, if deemed necessary for scientific or statistical purposes, modify the boundaries of the scientific and statistical sub-areas, divisions and subdivisions set out in Annex III, provided that each coastal State exercising fisheries jurisdiction in any part of the area affected concurs in such action.

3. On the request of the Fisheries Commission and after having consulted the Scientific Council, the General Council may by a two-thirds majority vote of all Contracting Parties, if deemed necessary for management purposes, divide the Regulatory Area into appropriate regulatory divisions and subdivisions. These may subsequently be modified in accordance with the same procedure. The boundaries of any such divisions and subdivisions shall be defined in Annex III.

4. Annex III to this Convention, either in its present terms or as modified from time to time pursuant to this Article, forms an integral part of this Convention.

Article XXI. 1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the General Council at an annual or a special meeting. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and the Executive Secretary shall immediately transmit the proposal to all Contracting Parties.

2. The adoption of a proposed amendment to the Convention by the General Council shall require a three-fourths majority of the votes of all Contracting Parties. The text of any proposed amendments so adopted shall be transmitted by the Depositary to all Contracting Parties.

3. An amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of written notification of approval by three-fourths all Contracting Parties unless any other Contracting Party notifies the Depositary that it objects to the amendment within ninety days of the date of transmittal specified in the notification by the Depositary of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of last withdrawal.

4. Any party which becomes a Contracting Party to the Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved the said amendment.

5. The Depositary shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments.

Article XXII. 1. This Convention shall be open for signature at Ottawa until 31 December 1978, by the Parties represented at the Diplomatic Conference on the Future of Multilateral Cooperation in the Northwest Atlantic Fisheries, held at Ottawa from 11 to 21 October 1977. It shall thereafter be open for accession.

2. This Convention shall be subject to ratification, acceptance or approval by the Signatories and the instruments of ratification, acceptance or approval shall be deposited with the Government of Canada, referred to in this Convention as "the Depositary".

3. This Convention shall enter into force upon the first day of January following the deposit of instruments of ratification, acceptance or approval by not less than six Signatories, at least one of which exercises fisheries jurisdiction in waters forming part of the Convention Area.

4. Any party which has not signed this Convention may accede thereto a notification in writing to the Depositary. Accessions received by the Depositary prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Accessions received by the Depositary after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary.

5. The Depositary shall inform all Signatories and all Contracting Parties of all ratifications, acceptances or approvals deposited and accessions received.

6. The Depositary shall convene the initial meeting of the Organization to be held not more than six months after the coming into force of the Convention, and shall communicate the provisional agenda to each Contracting Party not less than one month before the date of the meeting.

Article XXIII. Upon the entry into force of this Convention, each proposal that has been transmitted or is effective at that time under Article VIII of the International Convention for the Northwest Atlantic Fisheries, 1949, ("the ICNAF Convention") shall, subject to the provisions of the ICNAF Convention, become a measure binding on each Contracting Party with respect to the Regulatory Area immediately, if the proposal has become effective under the ICNAF Convention, or at such time as it becomes effective thereunder. Subject to paragraph 3 of Article XII of this Convention, each such measure shall remain binding on each Contracting Party, until such time as it expires or is replaced by a measure which has become binding pursuant to Article XI of this Convention; provided that no such replacement shall take effect before this Convention has been in force for one year.

Article XXIV. 1. Any Contracting Party may withdraw from the Convention on 31 December of any year by giving notice on or before the preceding 30 June to the Depositary, which shall communicate copies of such notice to other Contracting Parties.

2. Any other Contracting Party may thereupon withdraw from the Convention on the same 31 December by giving notice to the Depositary within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1.

Article XXV. 1. The original of the present Convention shall be deposited with the Government of Canada, which shall communicate certified copies thereof to all the Signatories and to all the Contracting Parties.

2. The Depositary shall register the present Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Ottawa, this 24th day of October, 1978, in a single original, in the English and French languages, each text being equally authentic.

ANNEX I TO THE CONVENTION

LIST OF SPECIES FOR THE DETERMINATION OF THE NOMINAL CATCHES TO BE USED IN CALCULATING THE ANNUAL BUDGET PURSUANT TO ARTICLE XVI

Atlantic cod	*Gadus morhua*
Haddock	*Melanogrammus aeglefinus*
Atlantic redfish	*Sebastes marinus*
Silver hake	*Merluccius bilinearis*
Red hake	*Urophycis chuss*
Pollock	*Pollachius virens*
American plaice	*Hippoglossoides platessoides*
Witch flounder	*Glyptocephalus cynoglossus*
Yellowtail flounder	*Limanda ferruginea*
Greenland halibut	*Reinhardtius hippoglossoides*
Roundnose grenadier	*Macrourus rupestris*
Atlantic herring	*Clupea harengus*
Atlantic mackerel	*Scomber scombrus*
Atlantic butterfish	*Peprilus triacanthus*
River herring (alewife)	*Alosa pseudoharengus*
Atlantic argentine	*Argentina silus*
Capelin	*Mallotus villosus*
Long-finned squid	*Loligo pealei*
Short-finned squid	*Illex illecebrosus*
Shrimps	*Pandalus* sp.

ANNEX II TO THE CONVENTION

TRANSITIONAL FINANCIAL ARRANGEMENTS

1. A Contracting Party which is also a Contracting Party to the International Convention for the Northwest Atlantic Fisheries throughout the year 1979 shall not contribute to the expenses of the Organization in that year. Other Contracting Parties which have deposited their instruments of ratification, acceptance or approval or acceded to the Convention before 31 December 1979 shall contribute the amount indicated in the Appendix hereto. The contribution of any Contracting Party not included in the Appendix be determined by the General Council.

2. The contributions due pursuant to paragraph 1 shall be paid by each Contracting Party as soon as possible after 1 January 1979 or after its accession to the Convention, whichever is later.

Appendix to Annex II to the Convention

Contracting Party	*Contribution for 1979*
Bulgaria	$ 16,325
Canada	82,852
Cuba	20,211
Denmark (Faroe Islands)	6,473
European Economic Community	74,254
German Democratic Republic	19,266
Iceland	12,293
Japan	16,697
Norway	21,107
Poland	29,316
Portugal	22,716
Romania	15,472
Spain	26,224
Union of Soviet Socialist Republics	72,133
United States of America	29,947

ANNEX III TO THE CONVENTION

SCIENTIFIC AND STATISTICAL SUB-AREAS, DIVISIONS AND SUBDIVISIONS

The scientific and statistical sub-areas, divisions and subdivisions provided for Article XX of this Convention shall be as follows:

1*(a)* Sub-area 0

That portion of the Convention Area lying to the north of the parallel of 61°00′ north latitude; bounded on the east by a line extending due north from a point at 61°00′ nor latitude and 59°00′ west longitude to the parallel of 69°00′ north latitude, thence in a northwesterly direction along a rhumb line to a point at 75°00′ north latitude and 73°30′ west longitude and thence due north to the parallel of 78°10′ north latitude; and bounded on the west by a line beginning at 61°00′ north latitude and 65°00′ west longitude and extending in a northwesterly direction along a rhumb line to the coast of Baffin Island at East Bluff (61°55′ north latitude and 66°20′ west longitude), and thence in a northerly direction along the coast of Baffin Island, Bylot Island, Devon Island and Ellesmere Island and following the eightieth meridian of west longitude in the waters between those islands to the parallel of 78°10′ north latitude.

1*(b)* Sub-area 0 is composed of two Divisions:

Division 0-A

That portion of the Sub-area lying to the north of the parallel of 66°15′ north latitude;

Division 0-B

That portion of the Sub-area lying to the south of the parallel of 66°15′ north latitude.

2*(a)* Sub-area 1

That portion of the Convention Area lying to the east of Sub-area 0 and to the north and east of a rhumb line joining a point at 61°00′ north latitude and 59°00′ west longitude with a point at 52°15′ north latitude and 42°00′ west longitude.

2*(b)* Sub-area 1 is composed of six Divisions:

Division 1A

That portion of the Sub-area lying north of the parallel of 68°50′ north latitude (Christian-shaab);

Division 1B

That portion of the Sub-area lying between the parallel of 66°15′ north latitude (5 nautical miles north of Umanarsugssuak) and the parallel of 68°50′ north latitude (Christianshaab);

Division 1C

That portion of the Sub-area lying between the parallel of 64°15′ north latitude (4 nautical miles north of Godthaab) and the parallel of 66°15′ north latitude (5 nautical miles north of Umanarsugssuak);

Division 1D

That portion of the Sub-area lying between the parallel of 62°30′ north latitude (Frederikshaab Glacier) and the parallel of 64°15′ north latitude (4 nautical miles north of Godthaab);

Division 1E

That portion of the Sub-area lying between the parallel of 60°45′ north latitude (Cape Desolation) and the parallel of 62°30′ north latitude (Frederikshaab Glacier);

Division 1F

That portion of the Sub-area lying south of the parallel of 60°45′ north latitude (Cape Desolation).

3*(a)* Sub-area 2

That portion of the Convention Area lying to the east of the meridian of 64°30′ west longitude in the area of Hudson Strait, to the south of Sub-area 0, to the south and west of Sub-area 1 and to the north of the parallel of 52°15′ north latitude.

3*(b)* Sub-area 2 is composed of three Divisions:

Division 2G

That portion of the Sub-area lying north of the parallel of 57°40′ north latitude (Cape Mugford);

Division 2H

That portion of the Sub-area lying between the parallel of 55°20′ north latitude (Hopedale) and the parallel of 57°40′ north latitude (Cape Mugford);

Division 2J

That portion of the Sub-area lying south of the parallel of 55°20′ north latitude (Hopedale).

4*(a)* Sub-area 3

That portion of the Convention Area lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line commencing at 39°00′ north latitude, 50°00′ west longitude and extending in a northwesterly direction to pass through a point at 43°30′ north latitude, 55°00′ west longitude in the direction of a point at 47°50′ north latitude, 60°00′ west longitude until it intersects a straight line connecting Cape Ray, on the the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

4*(b)* Sub-area 3 is composed of six Divisions:

Division 3K

That portion of the Sub-area lying north of the parallel of 49°15′ north latitude (Cape Freels, Newfoundland);

Division 3L

That portion of the Sub-area lying between the Newfoundland coast from Cape Freels to Cape St. Mary and a line described as follows: beginning at Cape Freels, thence due east to the meridian of 46°30′ west longitude, thence due south to the parallel of 46°00′ north latitude, thence due west to the meridian of 54°30′ west longitude, thence along a rhumb line to Cape St. Mary, Newfoundland;

Division 3M

That portion of the Sub-area lying south of the parallel of 49°15′ north latitude and east of the meridian of 46°30′ west longitude;

Division 3N

That portion of the Sub-area lying south of the parallel of 46°00′ north latitude and between the meridian of 46°30′ west longitude and the meridian of 51°00′ west longitude;

Division 3-O

That portion of the Sub-area lying south of the parallel of 46°00′ north latitude and between the meridian of 51°00′ west longitude and the meridian of 54°30′ west longitude;

Division 3P

That portion of the Sub-area lying south of the Newfoundland coast and west of a line from Cape St. Mary, Newfoundland to a point at 46°00′ north latitude, 54°30′ west longitude, thence due south to the limit of the Sub-area;

Division 3P is divided into two Subdivisions:

3Pn—Northwestern Subdivision—That portion of Division 3P lying northwest of a line extending from Burgeo Island, Newfoundland, approximately southwest to a point at 46°50′ north latitude and 58°50′ west longitude;

3Ps—Southeastern Subdivision—That portion of Division 3P lying southeast of the line defined for Subdivision 3Pn.

5(*a*) Sub-area 4

That portion of the Convention Area lying north of the parallel of 39°00′ north latitude, to the west of Sub-area 3, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point at 44°46′ 35.346″north latitude; 66°54′ 11.253″west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point at 42°00′ north latitude and 65°40′ west longitude; and thence due south to the parallel of 39°00′ north latitude.

5(*b*) Sub-area 4 is divided into six Divisions:

Division 4R

That portion of the Sub-area lying between the coast of Newfoundland from Cape Bauld to Cape Ray and a line described as follows: beginning at Cape Bauld, thence due north to the parallel of 52°15′ north latitude, thence due west to the Labrador coast, thence along the Labrador coast to the terminus of the Labrador-Quebec boundary, thence along a rhumb line in a southwesterly direction to a point at 49°25′ north latitude, 60°00′ west longitude, thence due south to a point at 47°50′ north latitude, 60°00′ west longitude, thence along a rhumb line in a southeasterly direction to the point at which the boundary of Sub-area 3 intersects the straight line joining Cape North, Nova Scotia with Cape Ray, Newfoundland, thence to Cape Ray, Newfoundland;

Division 4S

That portion of the Sub-area lying between the south coast of Quebec from the terminus of the Labrador-Quebec boundary to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25′ north latitude, 64°40′ west longitude, thence along a rhumb line in an east-southeasterly direction to a point at 47°50′ north latitude, 60°00′ west longitude, thence due north to a point at 49°25′ north latitude, 60°00′ west longitude, thence along a rhumb line in a northeasterly direction to the terminus of the Labrador-Quebec boundary;

Division 4T

That portion of the Sub-area lying between the coasts of Nova Scotia, New Brunswick and Quebec from Cape North to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25′ north latitude, 64°40′ west longitude, thence along a rhumb line in a southeasterly direction to a point at 47°50′ north latitude, 60°00′ west longitude, thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V

That portion of the Sub-area lying between the coast of Nova Scotia between Cape North and Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40′ north latitude, 60°00′ west longitude, thence due south along the meridian of 60°00′ west longitude to the parallel of 44°10′ north latitude, thence due east to the meridian of 59°00′ west longitude, thence due south to the parallel of 39°00′ north latitude, thence due east to a point where the boundary between Sub-areas 3 and 4 meets the parallel of 39°00′ north latitude, thence along the boundary between Sub-areas 3 and 4 and a line continuing in a northwesterly direction to a point at 47°50′ north latitude, 60°00′ west longitude, and thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V is divided into two Subdivisions:

4Vn—Northern Subdivision—That portion of Division 4V lying north of the parallel of 45°40′ north latitude;

4Vs—Southern Subdivision—That portion of Division 4V lying south of the parallel of 45°40′ north latitude;

Division 4W

That portion of the Sub-area lying between the coast of Nova Scotia from Halifax to Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40′ north latitude,

60°00′ west longitude, thence due south along the meridian of 60°00′ west longitude to the parallel of 44°10′ north latitude, thence due east to the meridian of 59°00′ west longitude, thence due south to the parallel of 39°00′ north latitude, thence due west to the meridian of 63°20′ west longitude, thence due north to a point on that meridian at 44°20′ north latitude, thence along a rhumb line in a northwesterly direction to Halifax, Nova Scotia;

Division 4X

That portion of the Sub-area lying between the western boundary of Sub-area 4 and the coasts of New Brunswick and Nova Scotia from the terminus of the boundary between New Brunswick and Maine to Halifax, and a line described as follows: beginning at Halifax, thence along a rhumb line in a southeasterly direction to a point at 44°20′ north latitude, 63°20′ west longitude, thence due south to the parallel of 39°00′ north latitude, and thence due west to the meridian of 65°40′ west longitude.

6*(a)* Sub-area 5

That portion of the Convention Area lying to the west of the western boundary of Sub-area 4, to the north of the parallel of 39°00′ north latitude, and to the east of the meridian of 71°40′ west longitude.

6*(b)* Sub-area 5 is composed of two Divisions:

Division 5Y

That portion of the Sub-area lying between the coasts of Maine, New Hampshire and Massachusetts from the border between Maine and New Brunswick to 70°00′ west longitude on Cape Cod (at approximately 42° north latitude) and a line described as follows: beginning at a point on Cape Cod at 70° west longitude (at approximately 42° north latitude), thence due north to 42°20′ north latitude, thence due east to 67°40′ west longitude at the boundary of Sub-areas 4 and 5, and thence along that boundary to the boundary of Canada and the United States;

Division 5Z

That portion of the Sub-area lying to the south and east of Division 5Y.

Division 5Z is divided into two Subdivisions: an eastern Subdivision and a western Subdivision defined as follows:

5Ze—Eastern Subdivision—That portion of Division 5Z lying east of the meridian of 70°00′ west longitude;

5Zw—Western Subdivision—That portion of Division 5Z lying west of the meridian of 70°00′ west longitude.

7*(a)* Sub-area 6

That part of the Convention Area bounded by a line beginning at a point on the coast of Rhode Island at 71°40′ west longitude, thence due south to 39°00′ north latitude, thence due east to 42°00′ west longitude, thence due south to 35°00′ north latitude, thence due west to the coast of North America, thence northwards along the coast of North America to the point on Rhode Island at 71°40′ west longitude.

7*(b)* Sub-area 6 is composed of eight Divisions:

Division 6A

That portion of the Sub-area lying to the north of the parallel of 39°00′ north latitude and to the west of Sub-area 5;

Division 6B

That portion of the Sub-area lying to the west of 70°00′ west longitude, to the south of the parallel of 39°00′ north latitude, and to the north and west of a line running westward along the parallel of 37°00′ north latitude to 76°00′ west longitude and thence due south to Cape Henry, Virginia;

Division 6C

That portion of the Sub-area lying to the west of 70°00′ west longitude and to the south of Subdivision 6B;

Division 6D

That portion of the Sub-area lying to the east of Divisions 6B and 6C and to the west of 65°00′ west longitude;

Division 6E

That portion of the Sub-area lying to the east of Division 6D and to the west of 60°00′ west longitude;

Division 6F

That portion of the Sub-area lying to the east of Division 6E and to the west of 55°00′ west longitude;

Division 6G

That portion of the Sub-area lying to the east of Division 6F and to the west of 50°00′ west longitude;

Division 6H

That portion of the Sub-area lying to the east of Division 6G and to the west of 42°00′ west longitude.

South Pacific Forum Fisheries Agency Convention, Honiara, 1979

Done at Honiara 10 July 1979

*Entered into force 9 August 1979**

Depositary: Solomon Islands

Primary source citation: Copy of text provided by the South Pacific Forum Fisheries Agency

SOUTH PACIFIC FORUM FISHERIES AGENCY CONVENTION

THE GOVERNMENTS COMPRISING THE SOUTH PACIFIC FORUM

Noting the Declaration on Law of the Sea and a Regional Fisheries Agency adopted at the 8th South Pacific Forum held in Port Moresby in August 1977;

Recognising their common interest in the conservation and optimum utilisation of the living marine resources of the South Pacific region and in particular of the highly migratory species;

Desiring to promote regional co-operation and co-ordination in respect of fisheries policies;

Bearing in mind recent developments in the law of the sea;

Concerned to secure the maximum benefits from the living marine resources of the region for their peoples and for the region as a whole and in particular the developing countries; and

Desiring to facilitate the collection, analysis, evaluation and dissemination of relevant statistical scientific and economic information about the living marine resources of the region, and in particular the highly migratory species;

HAVE AGREED AS FOLLOWS:

Article I

Agency

1. There is hereby established a South Pacific Forum Fisheries Agency.

2. The Agency shall consist of a Forum Fisheries Committee and a Secretariat.

3. The seat of the Agency shall be at Honiara, Solomon Islands.

* This Convention is not in force for the United States.

Article II

Membership

Membership of the Agency shall be open to:

(a) members of the South Pacific Forum

(b) other states or territories in the region on the recommendation of the Committee and with the approval of the Forum.

Article III

Recognition of Coastal States' Rights

1. The Parties to this Convention recognise that the coastal state has sovereign rights, for the purpose of exploring and exploiting, conserving and managing the living marine resources, including highly migratory species, within its exclusive economic zone or fishing zone which may extend 200 nautical miles from the baseline from which the breadth of its territorial sea is measured.

2. Without prejudice to Paragraph (1) of this Article the Parties recognise that effective co-operation for the conservation and optimum utilisation of the highly migratory species of the region will require the establishment of additional international machinery to provide for co-operation between all coastal states in the region and all states involved in the harvesting of such resources.

Article IV

Committee

1. The Committee shall hold a regular session at least once every year. A special session shall be held at any time at the request of at least four Parties. The Committee shall endeavour to take decisions by consensus.

2. Where consensus is not possible each Party shall have one vote and decisions shall be taken by a two-thirds majority of the Parties present and voting.

3. The Committee shall adopt such rules of procedure and other internal administrative regulations as it considers necessary.

4. The committee may establish such sub-committees, including technical and budget subcommittees as it may consider necessary.

5. The South Pacific Bureau for Economic Co-operation (SPEC) may participate in the work of the Committee. States, territories and other international organisations may participate as observers in accordance with such criteria as the Committee may determine.

Article V

Functions of the Committee

1. The functions of the Committee shall be as follows:

(a) to provide detailed policy and administrative guidance and direction to the Agency;

(b) to provide a forum for Parties to consult together on matters of common concern in the field of fisheries;

(c) to carry out such other functions as may be necessary to give effect to this Convention.

2. In particular the Committee shall promote intra-regional co-ordination and co-operation in the following fields:

(a) harmonisation of policies with respect to fisheries management;

(b) co-operation in respect of relations with distant water fishing countries;

(c) co-operation in surveillance and enforcement;

(d) co-operation in respect of onshore fish processing;

(e) co-operation in marketing;

(f) co-operation in respect of access to the 200 mile zones of other Parties.

Article VI

Director, Staff and Budget

1. The Committee shall appoint a Director of the Agency on such conditions as it may determine.

2. The Committee may appoint a Deputy Director of the Agency on such conditions as it may determine.

3. The Director may appoint other staff in accordance with such rules and on such conditions as the Committee may determine.

4. The Director shall submit to the Committee for approval:

(a) an annual report on the activities of the Agency for the preceding year;

(b) a draft work programme and budget for the succeeding year.

5. The approved report, budget and work programme shall be submitted to the Forum.

6. The budget shall be financed by contributions according to the shares set out in the Annex to this Convention. The Annex shall be subject to review from time to time by the Committee.

7. The Committee shall adopt financial regulations for the administration of the finances of the Agency. Such regulations may authorise the Agency to accept contributions from private or public sources.

8. All questions concerning the budget of the Agency, including contributions to the budget, shall be determined by the Committee.

9. In advance of the Committee's approval of the budget, the Agency shall be entitled to incur expenditure up to a limit not exceeding two-thirds of the preceding year's approved budgetary expenditure.

Article VII

Functions of the Agency

Subject to direction by the Committee the Agency shall:

(a) collect, analyse, evaluate and disseminate to Parties relevant statistical and biological information with respect to the living marine resources of the region and in particular the highly migratory species;

(b) collect and disseminate to Parties relevant information concerning management procedures, legislation and agreements adopted by other countries both within and beyond the region;

(c) collect and disseminate to Parties relevant information on prices, shipping, processing and marketing of fish and fish products;

(d) provide, on request, to any Party technical advice and information, assistance in the development of fisheries policies and negotiations, and assistance in the issue of licences, the collection of fees or in matters pertaining to surveillance and enforcement;

(e) seek to establish working arrangements with relevant regional and international organisations, particularly the South Pacific Commission; and

(f) undertake such other functions as the Committee may decide.

Article VIII

Legal Status, Privileges and Immunities

1. The Agency shall have legal personality and in particular the capacity to contract, to acquire and dispose of movable and immovable property and to sue and be sued.

2. The Agency shall be immune from suit and other legal process and its premises, archives and property shall be inviolable.

3. Subject to approval by the Committee the Agency shall promptly conclude an agreement with the Government of Solomon Islands providing for such privileges and immunities as may be necessary for the proper discharge of the functions of the Agency.

Article IX

Information

The Parties shall provide the Agency with available and appropriate information including:

(a) catch and effort statistics in respect of fishing operations in waters under their jurisdiction or conducted by vessels under their jurisdiction;

(b) relevant laws, regulations and international agreements;

(c) relevant biological and statistical data; and

(d) action with respect to decisions taken by the Committee.

Article X

Signature, Accession, Entry into Force

1. This Convention shall be open for signature by members of the South Pacific Forum.

2. This Convention is not subject to ratification and shall enter into force 30 days following the eighth signature. Thereafter it shall enter into force for any signing or acceding state thirty days after signature or the receipt by the depositary of an instrument of accession.

3. This Convention shall be deposited with the Government of Solomon Islands (herein referred to as the depositary) who shall be responsible for its registration with the United Nations.

4. States or territories admitted to membership of the Agency in accordance with Article II(b) shall deposit an instrument of accession with the depositary.

5. Reservations to this Convention shall not be permitted.

Article XI

Withdrawal and Amendment

1. Any Party may withdraw from this Convention by giving written notice to the depositary. Withdrawal shall take effect one year after receipt of such notice.

2. Any Party may propose amendments to the Convention for consideration by the Committee. The text of any amendment shall be adopted by a unanimous decision. The Committee may determine the procedures for the entry into force of amendments to this Convention.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention

Opened for signature at Honiara this 10th day of July, 1979.

ANNEX

The following are the shares to be contributed by Parties to the Convention towards the budget of the Agency in accordance with Article VI(6)-

Australia	1/3
Cook Islands	1/30
Fiji	1/30
Gilbert Islands	1/30
Nauru	1/30
New Zealand	1/3
Niue	1/30
Papua New Guinea	1/30
Solomon Islands	1/30
Tonga	1/30
Tuvalu	1/30
Western Samoa	1/30

Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, London, 1980

Done at London 8 November 1980

*Entered into force 17 March 1982**

Depositary: United Kingdom

Primary source citation: 1285 UNTS 130

CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES

The Contracting Parties,

Noting that the coastal states of the North-East Atlantic have, in accordance with relevant principles of international law, extended their jurisdiction over the living resources of their adjacent waters to limits of up to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured, and exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Taking into account the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries,

Desiring to promote the conservation and optimum utilisation of the fishery resources of the North-East Atlantic area within a framework appropriate to the régime of extended coastal state jurisdiction over fisheries, and accordingly to encourage international cooperation and consultation with respect to these resources,

Considering that the North-East Atlantic Fisheries Convention of 24 January 1959 should accordingly be replaced,

Have agreed as follows:

Article 1. 1. The area to which this Convention applies, hereinafter referred to as "the Convention Area", shall be the waters:

(a) Within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:

(i) The Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbierg and from Gilbierg Head to the Kullen, and

(ii) The Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5°36′ west longitude,

* This Convention is not in force for the United States.

(*b*) Within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

2. This Convention applies to all fishery resources of the Convention area with the exception of sea mammals, sedentary species, i.e., organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil and, in so far as they are dealt with by other international agreements, highly migratory species and anadromous stocks.

Article 2. Nothing in this Convention shall be deemed to affect the rights, claims, or views of any Contracting Party with regard to the limits or extent of jurisdiction over fisheries.

Article 3. 1. For the purposes of this Convention, the Contracting Parties agree to establish and maintain a North-East Atlantic Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall have legal personality and shall enjoy in its relations with other international organisations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends.

3. Each Contracting Party shall appoint to the Commission not more than two representatives who may be accompanied at any of its meetings by experts and advisers.

4. The Commission shall elect its own President and not more than two Vice-Presidents.

5. The Office of the Commission shall be in London.

6. Except when the Commission determines otherwise, it shall meet once a year in London at such time as it decides; provided, however, that upon the request of a Contracting Party and subject to the concurrence of three other Contracting Parties, the President shall, as soon as practicable, convene a meeting at such time and place as he may determine.

7. The Commission shall appoint its own Secretary and such other staff as it may require.

8. The Commission may set up such Committees and other subsidiary bodies as it considers desirable for the exercise of its duties and functions.

9. Each Contracting Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a simple majority, or, if this Convention specifically requires a qualified majority, by a two-thirds majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two thirds of the Contracting Parties. If there is an even division of votes on any matter which is subject to a simple majority decision, the proposal shall be regarded as rejected.

10. Subject to the provisions of this article, the Commission shall adopt its own rules of procedure, including provisions for the election of the President and Vice-Presidents and their terms of office.

11. Reports of the proceedings of the Commission shall be transmitted as soon as possible to the Contracting Parties in English and French.

Article 4. 1. The Commission shall perform its functions in the interests of the conservation and optimum utilisation of the fishery resources of the Convention Area and shall take into account the best scientific evidence available to it.

2. The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on management policies, including examination of the overall effect of such policies on the fishery resources.

Article 5. 1. The Commission shall, as appropriate, make recommendations concerning fisheries conducted beyond the areas under fisheries jurisdiction of Contracting Parties. Such recommendations shall be adopted by a qualified majority.

2. The Commission in the exercise of its functions under paragraph 1 shall seek to ensure consistency between:

(*a*) Any recommendation that applies to a stock or group of stocks occurring both within an area under the fisheries jurisdiction of a Contracting Party and beyond, or any recommendation that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a Contracting Party, and

(*b*) Any measures and decisions taken by such Contracting Party for the management and conservation of that stock or group of stocks with respect to fisheries conducted within the area under its fisheries jurisdiction.

The appropriate Contracting Party and the Commission shall accordingly promote the coordination of such recommendations, measures and decisions.

3. For the purpose of paragraph 2, each Contracting Party shall keep the Commission informed of its measures and decisions.

Article 6. 1. The Commission may make recommendations concerning fisheries conducted within an area under fisheries jurisdiction of a Contracting Party, provided that the Contracting Party in question so requests and the recommendation receives its affirmative vote.

2. The Commission may give advice concerning fisheries referred to in paragraph 1 if the Contracting Party in question so requests.

Article 7. In the exercise of its functions, as set out in articles 5 and 6, the Commission may consider *inter alia* measures for:

(*a*) The regulation of fishing gear and appliances, including the size of mesh of fishing nets,

(*b*) The regulation of the size limits of fish that may be retained on board vessels, or landed or exposed or offered for sale,

(*c*) The establishment of closed seasons and of closed areas,

(*d*) The improvement and increase of fishery resources, which may include artificial propagation, the transplantation of organisms and the transplantation of young,

(*e*) The establishment of total allowable catches and their allocation to Contracting Parties,

(*f*) The regulation of the amount of fishing effort and its allocation to Contracting Parties.

Article 8. 1. The Commission may by a qualified majority make recommendations concerning measures of control relating to fisheries conducted beyond areas under the fisheries jurisdiction of Contracting Parties for the purpose of ensuring the application of this Convention and any recommendations adopted thereunder.

2. The Commission may also make recommendations concerning measures of control relating to fisheries conducted within an area under the fisheries jurisdiction of a Contracting Party, provided that the Contracting Party in question so requests and the recommendation receives its affirmative vote.

3. Recommendations adopted under this article may include provisions for termination different from those provided for in article 13.

Article 9. 1. The Commission may by a qualified majority make recommendations providing for the collection of statistical information relating to fisheries conducted beyond areas under the fisheries jurisdiction of Contracting Parties.

2. The Commission may also make recommendations providing for the collection of statistical information relating to fisheries conducted within an area under the fisheries jurisdiction of a Contracting Party, provided that the recommendation receives the affirmative vote of that Contracting Party.

Article 10. When adopting recommendations, the Commission shall determine whether, and under which conditions, those recommendations shall apply to fishing operations conducted solely for the purpose of scientific investigation carried out according to relevant principles and rules of international law.

Article 11. 1. The Commission shall, without undue delay, notify the Contracting Parties of the recommendations adopted by the Commission under this Convention.

2. The Commission may publish or otherwise disseminate reports of its activities and other information relating to the fisheries in the Convention Area.

Article 12. 1. A recommendation shall become binding on the Contracting Parties subject to the provisions of this article and shall enter into force on a date determined by the Commission, which shall not be before 30 days after the expiration of the period or periods of objection provided for in this article.

2. (*a*) Any Contracting Party may, within 50 days of the date of notification of a recommendation adopted under paragraph 1 of article 5, under paragraph 1 of article 8 or under paragraph 1 of article 9, object thereto. In the event of such an objection, any other Contracting Party may similarly object within 40 days after receiving notification of that objection. If any objection is made within this further period of 40 days, other Contracting Parties are allowed a final period of 40 days after receiving notification of that objection in which to lodge objections.

(*b*) A recommendation shall not become binding on a Contracting Party which has objected thereto.

(*c*) If three or more Contracting Parties have objected to a recommendation it shall not become binding on any Contracting Party.

(*d*) Except when a recommendation is not binding on any Contracting Party according to the provisions of sub-paragraph (*c*), a Contracting Party which has objected to a recommendation may at any time withdraw that objection and shall then be bound by the recommendation within 70 days, or as from the date determined by the Commission under paragraph 1, whichever is the later.

(*e*) If a recommendation is not binding on any Contracting Party, two or more Contracting Parties may nevertheless at any time agree among themselves to give effect thereto, in which event they shall immediately notify the Commission accordingly.

3. In the case of a recommendation adopted under paragraph 1 of article 6, under paragraph 2 of article 8, or under paragraph 2 of article 9, only the Contracting Party exercising fisheries jurisdiction in the area in question may, within 60 days of the date of notification of the recommendation, object thereto, in which case the recommendation shall not become binding on any Contracting Party.

4. The Commission shall notify the Contracting Parties of any objection and withdrawal immediately upon the receipt thereof, and of the entry into force of any recommendation and of the entry into effect of any agreement made pursuant to sub-paragraph (*e*) of paragraph 2.

Article 13. 1. (*a*) After the expiration of one year from the date of entry into force of a recommendation adopted under paragraph 1 of article 5, paragraph 1 of article 8 or paragraph 1 of article 9, any Contracting Party may notify the Commission of the termination of its acceptance of the recommendation and, if that notification is not withdrawn, the recommendation shall cease to be binding on that Contracting Party at the end of one year from the date of notification.

(*b*) A recommendation which has ceased to be binding on a Contracting Party shall cease to be binding on any other Contracting Party 30 days after the date on which the latter notifies the Commission of the termination of its acceptance of the recommendation.

2. In the case of recommendations adopted under paragraph 1 of article 6, paragraph 2 of article 8 or paragraph 2 of article 9, only the Contracting Party exercising fisheries jurisdiction in the area in question may notify the Commission of termination of its acceptance of the recommendation, in which event it shall cease to be binding on any Contracting Party at the end of 90 days from the date of the notification.

3. The Commission shall notify the Contracting Parties of any notification under this article immediately upon the receipt thereof.

Article 14. 1. In the interest of the optimal performance of the functions set out in articles 4, 5 and 6, the Commission shall seek information and advice from the International Council for the Exploration of the Sea. Such information and advice shall be sought on matters related to the Commission's activities and falling within the competence of the Council, including information and advice on the biology and population dynamics of the fish species concerned, the state of the fish stocks, the effect of fishing on those stocks, and measures for their conservation and management.

2. In order to facilitate the tasks of the International Council for the Exploration of the Sea in providing information and advice to the Commission, the Commission shall seek to establish, in cooperation with the Council, arrangements to ensure that research studies for this purpose, including joint studies, are encouraged and conducted efficiently and without undue delay.

3. The Commission may establish working arrangements with any other international organisation which has related objectives.

Article 15. 1. Without prejudice to the rights of Contracting Parties in regard to waters under their fisheries jurisdiction, the Contracting Parties shall take such action, including the imposition of adequate sanctions for infractions, as may be necessary to make effective the provisions of this Convention and to implement any recommendation which becomes binding under article 12.

2. Each Contracting Party shall transmit to the Commission an annual statement of the actions it has taken pursuant to paragraph 1.

Article 16. 1. Each Contracting Party shall inform the Commission of its legislative measures and of any agreements which it may have concluded, in so far as those measures and agreements relate to the conservation and utilisation of fishery resources in the Convention Area.

2. Each Contracting Party shall furnish on the request of the Commission any available scientific and statistical information needed for the purposes of this Convention and such additional information as may be required under article 9.

Article 17. 1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held under this Convention.

2. At its first meeting the Commission shall adopt a budget for its first financial year. At this meeting the Commission may also, as appropriate, adopt a budget for the second financial year.

3. At each annual session the Commission shall adopt a budget for the following financial year and a budget estimate for the financial year following thereafter. A draft budget and draft budget estimate shall be submitted by the President of the Commission to the Contracting Parties not less than 40 days before the meeting of the Commission at which they are to be considered.

4. The Commission shall determine the contributions due from each Contracting Party under the annual budgets according to the following formula:

(*a*) One third of the budget shall be divided equally among the Contracting Parties,

(*b*) Two thirds of the budget shall be divided among the Contracting Parties in proportion to their nominal catches in the Convention Area, on the basis of the International Council for the Exploration of the Sea definitive catch statistics for the calendar year ending not more than 24 and not less than 18 months before the beginning of the budget year,

(*c*) However, the annual contribution of any Contracting Party which has a population of less than 300,000 inhabitants shall be limited to a maximum of 5% of the total budget. When this contribution is so limited, the remaining part of the budget shall be divided among the other Contracting Parties in accordance with sub-paragraphs (*a*) and (*b*). This rule shall be effective for the first five budget years of the Commission and

thereafter it shall be subject to annual review by the Commission which may change it by a decision adopted by a three-fourths majority of all Contracting Parties.

5. The Commission shall notify each Contracting Party of the contribution due from that Party as determined under paragraph 4 and of the date as determined by the Commission by which this contribution shall be paid.

6. The contribution of a Contracting Party which has acceded to this Convention during the course of a financial year shall, in respect of that year, be a part proportional to the number of complete months remaining in the year of the annual contribution calculated in accordance with paragraph 4.

7. Contributions shall be payable in the currency of the country in which the Office of the Commission is located.

8. A Contracting Party which has not paid by the date determined by the Commission its contributions for two years shall not enjoy the right of casting votes and of making objections under this Convention until it has fulfilled its obligations, unless, at the request of the Contracting Party concerned, the Commission decides otherwise.

9. The Commission shall adopt rules for the conduct of its financial affairs.

Article 18. By a qualified majority the Commission may sub-divide the Convention Area into regions and may alter the boundaries and vary the number of regions provided that the decision receives the affirmative vote of each Contracting Party exercising fisheries jurisdiction in any part of the area affected.

Article 19. 1. Any Contracting Party may propose amendments to this Convention. Any such proposed amendment shall be sent to the Secretary at least 90 days prior to the meeting at which the Contracting Party proposes it to be acted upon. The Secretary shall transmit the proposal immediately to the Contracting Parties.

2. The adoption of a proposed amendment requires a three-fourths majority of all Contracting Parties. The text of any proposed amendment so adopted shall be transmitted by the Commission to the Depositary which shall forthwith forward it to the Contracting Parties.

3. An amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties, unless any other Contracting Party notifies the Depositary, within 90 days of the date of the notification by the Depositary of such receipt, that it objects to the amendment, in which case the amendment shall not take effect for any Contracting Party. A Contracting Party which has objected to an amendment may at any time withdraw its objection. If all objections to an amendment are withdrawn, the amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of the last withdrawal.

4. A Party which ratifies, accepts, approves or accedes to this Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved the said amendment.

5. The Depositary shall promptly notify the Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notification of objection or withdrawal of objections, and the entry into force of amendments.

Article 20. 1. This Convention shall be open for signature from 18 November 1980 to 28 February 1981 by the following Parties: Bulgaria, Cuba, Denmark in respect of the Faroe Islands, the European Economic Community, Finland, the German Democratic Republic, Iceland, Norway, Poland, Portugal, Spain, Sweden and the Union of Soviet Socialist Republics. It shall be ratified, accepted, or approved as soon as possible and the instruments of ratification, acceptance or approval shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, referred to in this Convention as "the Depositary".

2. This Convention shall enter into force upon the deposit of instruments of ratification, acceptance or approval by not less than seven Signatories, provided that these include at least three Signatories exercising fisheries jurisdiction within the Convention Area. If, however, this Convention has not entered into force one year from the date on which this Convention is opened for signature, but not less than five Signatories have deposited instruments of ratification, acceptance or approval, including at least three Signatories exercising fisheries jurisdiction within

the Convention Area, these Signatories may agree among themselves by special protocol on the date on which this Convention shall enter into force; in that case this Convention shall enter into force with respect to any Party that ratifies, accepts or approves thereafter on the date of deposit of its instrument of ratification, acceptance or approval.

3. Any of the Parties referred to in paragraph 1 which has not signed this Convention may accede thereto at any time after it has entered into force in accordance with paragraph 2.

4. Any state not referred to in paragraph 1, except a Member State of the European Economic Community, may accede to this Convention at any time after it has entered into force in accordance with paragraph 2, provided that an application for accession of that State meets with the approval of three fourths of all the Contracting Parties.

An application for accession shall be addressed in writing to the Depositary which shall notify all Contracting Parties thereof. The application is approved if within 90 days from the date of such notification three fourths of all the Parties in respect of which this Convention has already entered into force by that date have notified the Depositary of their approval of the application.

The Depositary shall notify the State applying for accession and all Contracting Parties of the result of the application.

5. Accession shall be effected by the deposit of an instrument of accession with the Depositary and shall take effect on the date of its receipt. As from that date any Party which accedes to this Convention shall be bound by the recommendations which are, at the time of its accession, binding on all the other Contracting Parties as well as by any other recommendations which are, at that time, binding on one or more of the Contracting Parties and are not specifically excluded by the acceding Party in its instrument of accession.

6. The Depositary shall inform all Signatories and all acceding Parties of all instruments of ratification, acceptance, approval or accession deposited, and shall notify Signatories of the date and the Parties in respect of which this Convention enters into force.

7. The Depositary shall call the first meeting of the Commission as soon as practicable after the entry into force of this Convention and shall communicate the provisional agenda to each Contracting Party.

Article 21. At any time after two years from the date on which this Convention has entered into force with respect to a Contracting Party, that Party may denounce the Convention by means of a notification in writing addressed to the Depositary. Any such denunciation shall take effect twelve months after the date of its receipt, and shall be notified to the Contracting Parties by the Depositary.

Article 22. This Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. The Depositary shall transmit duly certified copies to the Signatories and acceding Parties, and shall register the Convention in accordance with Article 102 of the Charter of the United Nations.

Convention for the Conservation of Salmon in the North Atlantic Ocean, Reykjavik, 1982

Done at Reykjavik 2 March 1982

Entered into force 1 October 1983

Depositary: Council of the European Communities

Primary source citation: TIAS 10789

CONVENTION FOR THE CONSERVATION OF SALMON IN THE NORTH ATLANTIC OCEAN

THE PARTIES to this Convention,

RECOGNIZING that salmon originating in the rivers of different States intermingle in certain parts of the North Atlantic Ocean,

TAKING INTO ACCOUNT international law, the provisions on anadromous stocks of fish in the Draft Convention of the Third United Nations Conference on the Law of the Sea and other developments in international fora relating to anadromous stocks,

DESIRING to promote the acquisition, analysis and dissemination of scientific information pertaining to salmon stocks in the North Atlantic Ocean,

DESIRING to promote the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic Ocean through international co-operation,

HAVE AGREED as follows:

ARTICLE 1

1. This Convention applies to the salmon stocks which migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N latitude throughout their migratory range.

2. Nothing in this Convention shall affect the rights, claims or views of any Party with regard to the limits or extent of jurisdiction over fisheries, nor shall it prejudice the views or positions of any Party with respect to the law of the sea.

ARTICLE 2

1. Fishing of salmon is prohibited beyond areas of fisheries jurisdiction of coastal States.

2. Within areas of fisheries jurisdiction of coastal States, fishing of salmon is prohibited beyond 12 nautical miles from the baselines from which the breadth of the territorial sea is measured, except in the following areas:

(a) in the West Greenland Commission area, up to 40 nautical miles from the baselines; and

(b) in the North-East Atlantic Commission area, within the area of fisheries jurisdiction of the Faroe Islands.

3. The Parties shall invite the attention of any State not a Party to this Convention to any matter relating to the activities of the vessels of that State which appears to affect adversely the conservation, restoration, enhancement or rational management of salmon stocks subject to this Convention or the implementation of the Convention.

ARTICLE 3

1. There is hereby established an international organization that shall be known as the North Atlantic Salmon Conservation Organization, hereinafter referred to as the "Organization".

2. The objective of the Organization shall be to contribute through consultation and co-operation to the conservation, restoration, enhancement and rational management of salmon stocks subject to this Convention, taking into account the best scientific evidence available to it.

3. The Organization shall consist of:

(a) a Council,

(b) three regional Commissions:
- a North American Commission,
- a West Greenland Commission and
- a North-East Atlantic Commission, and

(c) a Secretary.

4. The areas of the Commissions shall be as follows:

(a) North American Commission: maritime waters within areas of fisheries jurisdiction of coastal States off the east coast of North America;

(b) West Greenland Commission: maritime waters within the area of fisheries jurisdiction off the coast of West Greenland west of a line drawn along 44°W longitude south to 59°N latitude, thence due east to 42°W longitude and thence due south; and

(c) North-East Atlantic Commission: maritime waters east of the line referred to in subparagraph (b).

5. The Organization shall have legal personality and shall enjoy in the territories of the Parties and in its relations with other international organizations such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Organization, its officers and staff and representatives of the Parties shall enjoy in the territory of a State shall be subject to agreement between the Organization and the State concerned.

6. The official languages of the Organization shall be English and French.

7. The office of the Organization shall be at Edinburgh or at such other place as the Council may decide.

ARTICLE 4

1. The functions of the Council shall be:

(a) to provide a forum for the study, analysis and exchange of information among the Parties on matters concerning the salmon stocks subject to this Convention, and on the achievement of the objective of the Convention;

(b) to provide a forum for consultation and co-operation on matters concerning the salmon stocks in the North Atlantic Ocean beyond Commission areas;

(c) to facilitate the co-ordination of the activities of the Commissions and to co-ordinate the initiatives of the Parties under article 2, paragraph 3;

(d) to establish working arrangements with the International Council for the Exploration of the Sea and other appropriate fisheries and scientific organizations;

(e) to make recommendations to the Parties, the International Council for the Exploration of the Sea or other appropriate fisheries and scientific organizations concerning the undertaking of scientific research;

(f) to supervise and co-ordinate the administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;

(g) to co-ordinate the external relations of the Organization; and

(h) to perform such other functions as are conferred on it by this Convention.

2. The Council shall have the authority to make recommendations to the Parties and the Commissions on matters concerning salmon stocks subject to this Convention, including the enforcement of laws and regulations, provided that no recommendation shall be made concerning the management of salmon harvests within the area of fisheries jurisdiction of a Party.

3. Notwithstanding paragraph 2, upon the specific request of a Commission, the Council shall have the authority to make recommendations to that Commission on regulatory measures which the Commission may propose pursuant to this Convention.

ARTICLE 5

1. Each Party shall be a member of the Council and may appoint to the Council not more than three representatives who may be accompanied at its meetings by experts and advisers.

2. The Council shall elect a President and Vice-President who shall serve for two years. They shall be eligible for re-election, provided that they not serve for more than four years in succession in each office. The President and Vice-President shall not be representatives of the same Party.

3. The President of the Council shall be the principal representative of the Organization.

4. The President shall convene a regular annual meeting of the Council and the Commissions at a time and place determined by the Council.

5. Upon the request of a Party with the concurrence of another Party the President shall call meetings of the Council other than annual meetings at such time and place as the President may determine.

6. The Council shall submit to the Parties an annual report of the activities of the Organization.

ARTICLE 6

1. The Council shall adopt its rules of procedure.

2. Each member of the Council shall have one vote in its proceedings.

3. Except where otherwise provided, decisions of the Council shall be taken by a three-quarters majority of the votes of the members present and casting an affirmative or negative vote. No vote shall be taken unless two thirds of the members are present.

ARTICLE 7

1. The functions of the North American Commission with regard to its area shall be:

(a) to provide a forum for consultation and co-operation between the members:

(i) on matters related to minimizing catches in the area of fisheries jurisdiction of one member of salmon originating in the rivers of another Party, and

(ii) in cases where activities undertaken or proposed by one member affect salmon originating in the rivers of the other member because, for example, of biological interactions;

(b) to propose regulatory measures for salmon fisheries under the jurisdiction of a member which harvest amounts of salmon significant to the other member in whose rivers that salmon originates, in order to minimize such harvests;

(c) to propose regulatory measures for salmon fisheries under the jurisdiction of a member which harvest amounts of salmon significant to another Party in whose rivers that salmon originates; and

(d) to make recommendations to the Council concerning the undertaking of scientific research.

2. Each member shall, with respect to its vessels and the area under its fisheries jurisdiction, take the measures necessary to minimize by-catches of salmon originating in the rivers of the other member.

3. Fishing patterns in salmon fisheries in the North American Commission area shall not be altered in a manner which results in the initiation of fishing or increase in catches of salmon originating in the rivers of another Party, except with the consent of the latter.

ARTICLE 8

The functions of the West Greenland Commission and the North-East Atlantic Commission with regard to their respective areas shall be:

(a) to provide a forum for consultation and co-operation among the members concerning the conservation, restoration, enhancement and rational management of salmon stocks subject to this Convention;

(b) to propose regulatory measures for fishing in the area of fisheries jurisdiction of a member of salmon originating in the rivers of other Parties; and

(c) to make recommendations to the Council concerning the undertaking of scientific research.

ARTICLE 9

In exercising the functions set out in articles 7 and 8, a Commission shall take into account:

(a) the best available information, including advice from the International Council for the Exploration of the Sea and other appropriate scientific organizations;

(b) measures taken and other factors, both inside and outside the Commission area, that affect the salmon stocks concerned;

(c) the efforts of States of origin to implement and enforce measures for the conservation, restoration, enhancement and rational management of salmon stocks in their rivers and areas of fisheries jurisdiction, including measures referred to in article 15, paragraph 5 (b);

(d) the extent to which the salmon stocks concerned feed in the areas of fisheries jurisdiction of the respective Parties;

(e) the relative effects of harvesting salmon at different stages of their migration routes;

(f) the contribution of Parties other than States of origin to the conservation of salmon stocks which migrate into their areas of fisheries jurisdiction by limiting their catches of such stocks or by other measures; and

(g) the interests of communities which are particularly dependent on salmon fisheries.

ARTICLE 10

1. The Parties shall be members of the Commissions as follows:

(a) North American Commission: Canada and the United States of America;

(b) West Greenland Commission: Canada, the European Economic Community and the United States of America;

(c) North-East Atlantic Commission: Denmark in respect of the Faroe Islands, the European Economic Community, Iceland, Norway and Sweden.

2. At its first meeting the Council shall review and may by unanimous vote modify the membership of the West Greenland Commission.

3. A Party not mentioned in paragraph 1 (b) may, at its request and upon the unanimous decision of the Council, become a member of the West Greenland Commission or the North-East Atlantic Commission if it is a State of origin for significant quantities of salmon occurring in the respective Commission area or if it exercises fisheries jurisdiction in that area.

4. Parties may participate as observers in the deliberations of a Commission of which they are not members.

5. Each member may appoint to a Commission not more than three representatives who may be accompanied at its meetings by experts and advisers.

6. Each Commission shall elect a Chairman and Vice-Chair man who shall serve for two years. They shall be eligible for re-election, provided that they not serve for more than four years in succession in each office. The Chairman and Vice-Chairman shall not be representatives of the same member.

7. Upon the request of a member of a Commission with the concurrence of another member the Chairman shall call meetings of the Commission other than annual meetings at such time and place as the Chairman may determine.

8. Each Commission shall, on a timely basis, make a report of its activities to the Council.

ARTICLE 11

1. Each Commission shall adopt its rules of procedure.

2. Each member of a Commission shall have one vote in its proceedings. In addition, in the case of the North American Commission, the European Economic Community shall have the right to submit and vote on proposals for regulatory measures concerning salmon stocks originating in the territories referred to in article 18. In the case of the North-East Atlantic Commission, Canada and the United States of America shall each have the right to submit and vote on proposals for regulatory measures concerning salmon stocks originating in the rivers of Canada or the United States of America, respectively, and occurring off East Greenland.

3. Decisions of a Commission shall be taken by the unanimous vote of those present and casting an affirmative or negative vote. No vote shall be taken unless two thirds of those entitled to vote on the matter concerned are present.

ARTICLE 12

1. The Council shall appoint a Secretary, who shall be the chief administrative officer of the Organization.

2. The functions of the Secretary shall be:

(a) to provide administrative services to the Organization;

(b) to compile and disseminate statistics and reports concerning the salmon stocks subject to this Convention; and

(c) to perform such functions as follow from other provisions of this Convention or as the Council may determine.

3. The Council shall determine the conditions of employment of the Secretary and staff.

4. The Secretary shall appoint the staff in accordance with staffing requirements approved by the Council. The staff shall be responsible to the Secretary, subject to the general supervision of the Council.

ARTICLE 13

1. The Secretary shall, without undue delay, notify the members of a Commission of any regulatory measure proposed by that Commission.

2. Subject to paragraph 3, a regulatory measure proposed by a Commission under article 7, paragraph 1(b) or (c), or article 8, subparagraph (b), shall become binding on its members 60 days after the date specified in the Secretary's notification or, if a later date is determined by the Commission, on such date.

3. Any member in whose area of fisheries jurisdiction a regulatory measure would apply may, within 60 days of the date specified in the Secretary's notification, lodge an objection to it. In this case the regulatory measure shall not become binding on any member. A member which has lodged an objection may at any time withdraw it. Thirty days after all objections are withdrawn the regulatory measure shall become binding, subject to paragraph 2.

4. After the expiration of one year from the date on which a regulatory measure becomes binding, any member in whose area of fisheries jurisdiction the regulatory measure applies may denounce it by written notice to the Secretary. The Secretary shall immediately inform the other members of such denunciation. The regulatory

measure shall cease to be binding on all members 60 days after the date of receipt by the Secretary of the notice of denunciation or, if a later date is indicated by the member, on such date.

5. A Commission may propose an emergency regulatory measure having effect prior to the expiration of the 60-day period referred to in paragraph 2. The members shall make best efforts to implement the measure, unless there is an objection by a member within 30 days after the Commission has proposed it.

ARTICLE 14

1. Each Party shall ensure that such action is taken, including the imposition of adequate penalties for violations, as may be necessary to make effective the provisions of this Convention and to implement regulatory measures which become binding on it under article 13.

2. Each Party shall transmit to the Council an annual statement of the actions taken pursuant to paragraph 1. Such statement shall be sent to the Secretary not later than 60 days before the annual meeting of the Council.

ARTICLE 15

1. Each Party shall provide to the Council available catch statistics for salmon stocks subject to this Convention taken in its rivers and area of fisheries jurisdiction at such intervals as the Council may determine.

2. Each Party shall compile and provide to the Council such other statistics for salmon stocks subject to this Convention in its rivers and area of fisheries jurisdiction as required by the Council. The Council shall decide by unanimous vote the scope and form of such statistics and the intervals at which they shall be provided.

3. Each Party shall provide the Council with any other available scientific and statistical information which it requires for the purposes of this Convention.

4. Upon the request of the Council each Party shall provide to the Council copies of laws, regulations and programmes in force or, where appropriate, summaries thereof, relating to the conservation, restoration, enhancement and rational management of salmon stocks subject to this Convention in its rivers and area of fisheries jurisdiction.

5. Each year each Party shall notify the Council of:

(a) the adoption or repeal since its last notification of laws, regulations and programmes relating to the conservation, restoration, enhancement and rational management of salmon stocks subject to this Convention in its rivers and area of fisheries jurisdiction;

(b) any commitments by the responsible authorities concerning the adoption or maintenance in force for specified periods of time within its territory or area of fisheries jurisdiction of measures relating to the conservation, restoration, enhancement and rational management of salmon stocks subject to this Convention; and

(c) factors within its territory and area of fisheries jurisdiction which may significantly affect the abundance of salmon stocks subject to this Convention.

6. The notifications referred to in paragraph 5 (a) shall be sent to the Secretary not later than 60 days before the annual meeting of the Council. The notifications referred to in paragraph 5 (b) and (c) shall be sent to the Secretary as soon as practicable.

ARTICLE 16

1. The Council shall adopt an annual budget for the Organization. The Secretary shall transmit a draft budget to the Parties, together with a schedule of contributions, not later than 60 days before the meeting of the Council at which the budget is to be considered.

2. The Council shall determine the annual contribution of each Party according to the following formula:

(a) 30% of the budget shall be divided equally among the Parties; and

(b) 70% of the budget shall be divided among the Parties in proportion to their nominal catches of salmon subject to this Convention in the calendar year ending not more than 18 months and not less than 6 months before the beginning of the financial year.

3. The Secretary shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification.

4. Contributions shall be payable in the currency of the State in which the office of the Organization is located, unless the Council decides otherwise.

5. The contribution of a Party for which this Convention has entered into force during the course of a financial year shall for that year be a part of the annual contribution proportional to the number of complete months remaining in the year from the date of entry into force for that Party.

6. A Party which has not paid its contributions for two consecutive years shall not be entitled to vote under this Convention until it has fulfilled its obligations, unless the Council decides otherwise.

7. The financial affairs of the Organization shall be audited annually by external auditors to be selected by the Council.

ARTICLE 17

1. This Convention shall be open for signature at Reykjavík from 2 March to 31 August 1982 by Canada, Denmark in respect of the Faroe Islands, the European Economic Community, Iceland, Norway, Sweden and the United States of America.

2. This Convention shall be subject to ratification or approval.

3. This Convention shall be open for accession by the parties referred to in paragraph 1 and, subject to the approval of the Council, by any other State that exercises fisheries jurisdiction in the North Atlantic Ocean or is a State of origin for salmon stocks subject to this Convention.

4. Instruments of ratification, approval or accession shall be deposited with the Depositary.

5. This Convention shall enter into force on the first day of the month following the deposit of instruments of ratification, approval or accession by four Parties, provided that among the four Parties are two members of each Commission and that at least one of the two members of each Commission exercises fisheries jurisdiction in the Commission area.

6. For each Party ratifying, approving or acceding to this Convention after the deposit of the requisite instruments of ratification, approval or accession under paragraph 5, it shall enter into force on the date of entry into force of the Convention or on the date of deposit of the instrument of ratification, approval or accession, whichever is the later.

7. The Depositary shall inform the signatories and acceding Parties of the deposit of all instruments of ratification, approval and accession and shall notify the signatories and acceding parties of the date and the Parties in respect of which Convention enters into force.

8. The Depositary shall call the first meeting of the Council and the Commissions as soon as practicable after the entry into force of this Convention.

ARTICLE 18

This Convention shall apply, insofar as the European Economic Community is concerned, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty.

ARTICLE 19

1. Any Party may propose amendments to this Convention to be considered by the Council. A proposed amendment shall be sent to the Secretary not later than 90 days before the meeting at which it is proposed to be considered. The Secretary shall immediately transmit the proposed amendment to the Parties.

2. The adoption of an amendment by the Council shall require the unanimous vote of the Parties present and casting an affirmative or negative vote. The text of an amendment so adopted shall be transmitted by the Secretary to the Depositary which shall immediately notify the Parties thereof.

3. An amendment shall enter into force for all Parties 30 days after the date specified in the notification by the Depositary of receipt from all Parties of instruments of ratification or approval.

4. A Party which becomes bound by this Convention after an amendment has entered into force in accordance with paragraph 3 shall be considered as a Party to the Convention as amended.

5. The Depositary shall immediately notify all Parties of the receipt of instruments of ratification or approval and the entry into force of amendments.

ARTICLE 20

1. Any Party may denounce this Convention with effect from 31 December of any year by giving notice to the Depositary on or before the preceding 30 June. The Depositary shall immediately inform the other Parties of such denunciation.

2. Any other Party may denounce this Convention with effect from the same 31 December by giving notice to the Depositary within 30 days of the date on which the Depositary informed the Parties of a denunciation under paragraph 1.

ARTICLE 21

1. The original of this Convention shall be deposited with the Council of the European Communities, referred to in the Convention as the "Depositary", which shall transmit certified copies thereof to all signatories and acceding Parties.

2. The Depositary shall register this Convention in accordance with article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

OPENED FOR SIGNATURE at Reykjavík on 2 March 1982, in a single original, in the English and French languages, both texts being equally authoritative.

Eastern Pacific Ocean Tuna Fishing Agreement, San Jose, 1983

Done at San Jose 15 March 1983

Not in force

Depositary: Costa Rica

Primary source citation: Copy of text provided by the U.S. Department of State

EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT

The Contracting Parties to this Agreement,

Resolved to cooperate for the purpose of ensuring the conservation and rational utilization of tuna resources in the eastern Pacific Ocean;

Bearing in mind that tuna cover a broad area which, in the eastern Pacific Ocean, includes jurisdictional zones of a varying nature declared by the Coastal States and a considerable portion of the seas in which Coastal States do not exercise any jurisdiction;

Recognizing that a tuna conservation regime for the eastern Pacific Ocean cannot be effective and equitable unless it is comprehensive and has the participation of all States that fish tuna in that region on a meaningful scale in relation to conservation requirements;

Convinced that it is essential to establish, pending conclusion of a comprehensive regional tuna conservation regime, an interim regime taking into account the jurisdictional zones declared by many Coastal States of the eastern Pacific Ocean as well as the highly migratory character of tuna;

Have agreed as follows:

ARTICLE I

The Contracting Parties agree to establish an interim regime for the management of fishing activities of tuna vessels in the eastern Pacific Ocean, based on a scheme for granting licenses in the region, which guarantees rational exploitation of the resources and equitable access to the fishing areas.

ARTICLE II

For the purpose of this Agreement, the Contracting Parties agree that:

(A) "Coastal States" means States bordering the area described in paragraph (B) of this Article.

(B) The "Agreement Area" means the following:

From the point on the mainland where the parallel of 40 degrees North latitude intersects the coast westward along the parallel of 40 degrees North latitude to 40 degrees North latitude by 125 degrees West longitude, thence southerly along the meridian of 125 degrees West longitude to 20 degrees North latitude by 125 degrees West longitude, thence easterly along the parallel of 20 degrees North Latitude to 20 degrees North latitude by 120 degrees West longitude, thence southerly along the meridian of 120 degrees West longitude to 5 degrees North latitude by 120 degrees West longitude, thence easterly along the parallel of 5 degrees North latitude to 5 degrees North latitude by 110 degrees West longitude, thence southerly along the meridian of 110 degrees West longitude to 10 degrees South latitude by 110 degrees West longitude, thence easterly along the parallel of 10 degrees South latitude to 10 degrees South latitude by 90 degrees West longitude, thence southerly along the meridian of 90 degrees West longitude to 30 degrees South latitude by 90 degrees West longitude, thence easterly along the parallel of 30 degrees South latitude to the point on the mainland where the parallel intersects the coast, excluding the areas within 12 nautical miles of the baseline from which the breadth of territorial sea is measured and those areas within 200 nautical miles of the baselines of Coastal States not signatories to this Agreement, measured from the same baseline. The Agreement Area may be adjusted according to the provisions of ARTICLE III (B).

(C) The species of tuna subject to this Agreement are:

yellowfin tuna, Thunnus albacares (Bonnaterre, 1788); bigeye tuna, Thunnus obesus (Lowe, 1839); albacore tuna, Thunnus alalunga (Bonnaterre, 1788); northern bluefin tuna, Thunnus thynnus (Linnaeus, 1758); southern bluefin tuna, Thunnus maccoyil (Castelnau, 1872); skipjack tuna, Katsuwonus pelamis (Linnaeus, 1758); black skipjack, Euthynnus Lineatus (Kishinouye, 1920); kawakawa, Euthynnus affinis (Cantor, 1849); bullet tuna, Auxis rochei (Risso, 1810); frigate tuna, Auxis thazard (Lacepede, 1800); eastern Pacific bonito, Sarda chiliensis (Cuvier in Cuvier and Valenciennes, 1831); and Indo-Pacific bonito, Sarda orientalis (Temminck and Schlegel, 1844).

ARTICLE III

(A) The Contracting Parties agree to establish a Council to implement this agreement. The Council shall be composed of representatives of the Contracting Parties which are Coastal States or are members of the Inter-American Tropical Tuna Commission (IATTC) at the time that this Agreement enters into force. Each such Contracting Party may appoint one representative and up to three alternate representatives to the Council, but each such party shall have only one vote. All Council decisions shall be adopted by unanimous agreement of such Contracting Parties present when the vote is taken, provided that at least five such Contracting Parties are represented.

(B) The Council shall have authority:

1. To issue licenses in accordance with Article IV;

2. To appoint the National Authority designated by any Contracting Party to issue licenses in accordance with this Agreement;

3. To appoint a Director, and to provide the resources to pay for his services and those of any needed staff, by contract or other arrangements;

4. To approve the proposed budget which shall be submitted annually to the Council by the Director;

5. To authorize the Director to request and utilize the services and resources of any competent international agency and organization;

6. To establish license fees within limits prescribed in the Protocol to this Agreement;

7. To disburse annually the revenue produced by the license fees in accordance with the Protocol to this Agreement;

8. To request reports from any competent international agency or organization on the status of any stocks of tuna in the Agreement Area, and to take such reports into account to promote the establishment of a comprehensive regional tuna conservation regime comprised of all States that fish tuna in the eastern Pacific Ocean on a meaningful scale in relation to conservation requirements;

9. To establish regulations for the effective implementation of this Agreement;

10. To adjust the boundaries of the Agreement Area, in accordance with recommendations by the Director.

(C) When the Council decides, based on scientific data contained in a report of any competent international agency or organization, that there is urgent necessity to conserve tuna resources, the Contracting Parties shall enter into consultations among themselves, and with States that are not Contracting Parties and fish tuna in the eastern Pacific Ocean on a meaningful scale in relation to conservation requirements.

(D) In addition to actions taken in accordance with paragraph (C), whenever the Contracting Parties include all States that fish tuna in the eastern Pacific Ocean on a meaningful scale in relation to conservation requirements, pending conclusion of a comprehensive regional tuna conservation regime in which all such States participate, the Council may make interim conservation recommendations concerning tuna resources. Such recommendations shall be based on the reports referred to in paragraph (B)(8), and shall be consistent with and not supercede the obligations of any Contracting Party pursuant to any relevant multilateral conservation agreement.

(E) The Council shall meet ordinarily once a year, and extraordinarily at the request of the Director or representatives of two Contracting Parties.

(F) The Director shall carry out duties set forth in this Agreement and as otherwise prescribed by the Council. The Director shall be responsible to the Council.

(G) The Contracting Parties shall request their licensed vessels to cooperate with any competent international agency or organization to facilitate the collection of appropriate data.

(H) Any authority not expressly provided to the Council is reserved to the Contracting Parties.

ARTICLE IV

(A) The Contracting Parties agree to the issuance of licenses permitting access to fishing in the Agreement Area. Licensing authority shall be vested in the Council.

(B) The Contracting Parties agree that, in order to fish in the Agreement Area for any of the species of tuna designated in Article II, vessels flying their flags shall be required to have a valid license, issued in accordance with this Agreement.

(C) License fees shall be established according to the provisions of the Protocol to this Agreement.

(D) The Council, through the Director or an appointed National Authority, shall issue licenses directly to owners or their representatives of the flag vessels of the Contracting Parties in accordance with the Protocol to this Agreement.

ARTICLE V

Any Contracting Party may require only those vessels flying its own flag to utilize the services of its National Authority appointed by the Council.

ARTICLE VI

(A) The Contracting Parties agree not to prohibit the importation of tuna and tuna products from another Contracting Party, as a result of any enforcement action by that Contracting Party consistent with this Agreement, as long as such Party is acting in conformity with this Agreement.

(B) Each Contracting Party shall adopt, as soon as possible, such provisions in its national law as may be necessary to ensure that its own flag vessels comply with the provisions of this Agreement and its Protocol.

ARTICLE VII

Contracting Parties to this Agreement may be: (A) Coastal States as defined in Article II, or (B) member States of the IATTC.

ARTICLE VIII

Any State not included in Article VII may become a Contracting Party by adhering to this Agreement after unanimous approval by the Council.

ARTICLE IX

This Agreement shall enter into force 30 days after the deposit of the fifth instrument of ratification or adherence by a Coastal State. In the case of any State that deposits its instrument of ratification or adherence after the Agreement has entered into force, this Agreement shall enter into force for such State 30 days after the date on which such State has deposited said instrument.

ARTICLE X

The instruments of ratification or adherence shall be deposited with the Government of Costa Rica, at the Ministry of Foreign Relations and Worship.

ARTICLE XI

If during any period after entry into force there are fewer than five Contracting Parties that are Coastal States, the provisions of this Agreement shall not apply for such remaining Contracting Parties during such period, but this Agreement shall not terminate.

ARTICLE XII

Any Contracting Party may, at any time after two years from the date on which this Agreement was entered into force for such Party, withdraw from this Agreement upon giving written notice to the Ministry of Foreign Relations and Worship of Costa Rica. If such notice is received by the Government of Costa Rica no later than October 1 of any year, it shall become effective on December 31 of that year. Any such notice received after October 1 of any year shall become effective on December 31 of the following year.

ARTICLE XIII

The provisions of this Agreement do not prejudice the positions of the Contracting Parties regarding internal waters, territorial seas, exclusive economic zones, fishery conservation zones, high seas, or sovereign rights or jurisdiction for any other purpose.

ARTICLE XIV

The Contracting Parties, recognizing the interim nature of this Agreement and the highly migratory character of the tuna resource, agree to continue their efforts to establish a new regional regime for the conservation, management, and orderly exploitation of tuna resources in the eastern Pacific Ocean.

This regional regime shall include equitable guaranteed quotas to Coastal States based upon, inter alia, the criterion of concentration of the tuna resource, the effective measurement of which shall be determined in the future agreement among participants in the tuna fishery in the area regulated by the IATTC.

ARTICLE XV

The Contracting Parties, in view of their mutual interest in the effective implementation of the measures provided by this Agreement, undertake to cooperate to the extent possible in their tuna fisheries relations in the eastern Pacific Ocean, pending the issuance of licenses pursuant to this Agreement.

ARTICLE XVI

This Agreement shall be open for signature from March 15, 1983, until such time as the depositary shall receive the instrument of ratification or adherence of a fifth Coastal State.

In witness whereof, the undersigned plenipotentiaries, duly authorized by their respective governments, have signed this Agreement.

Done at San Jose, Costa Rica, on March 15, 1983, in the Spanish and English languages, both texts being equally authentic, and will remain with the depository, that will provide certified copies of both texts to all signatory States.

Protocol to the Eastern Pacific Ocean Tuna Fishing Agreement, San Jose, 1983

Done at San Jose 15 March 1983

Not in force

Primary source citation: Copy of text provided by the U.S. Department of State

PROTOCOL TO THE EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT

(A) 1. If the Agreement enters into force with five Contracting Parties, the fee for a fishing license shall be U.S. $60.00 (sixty dollars) per net registered ton of the vessel requesting the license.

2. For each additional Contracting Party which is also a Coastal State, the Council shall adjust the license fee up to a maximum of U.S. $100.00 (one hundred dollars) per net registered ton. For this purpose, the Council shall take into account, inter alia, the amount of tuna taken within 200 nautical miles from the baselines from which the breadth of the territorial sea of the Coastal State ratifying or adhering to this Agreement is measured.

The minimum increase in the fee for each additional Coastal State ratifying or adhering, after the sixth, shall be U.S. $10.00 (ten dollars) per net registered ton. The minimum increase for the sixth Coastal State may be more than, or less than, U.S. $10 (ten dollars) per net registered ton, also as determined by the Council.

3. Upon withdrawal by any Coastal State, the license fee shall be decreased, taking into account, inter alia, the amount of tuna taken within 200 nautical miles of the aforementioned baselines of the Coastal State withdrawing from the Agreement. However, in no case shall the fee be less than U.S. $60 (sixty dollars) per net registered ton.

(B) Licenses may be purchased at any time upon full payment of the established fee. Licenses shall be valid until December 31 of each year and allow access to fishing in the Agreement Area.

(C) Any Contracting Party's vessel with a net registered tonnage of 200 tons or less may obtain licenses on a semi-annual rather than on an annual basis. The fee for a semi-annual license shall be one-half the annual fee.

(D) Licenses shall not be required of vessels with a net registered tonnage of 200 tons or less which fish exclusively within 200 nautical miles of the aforementioned baselines of their flag State. However, the flag State shall notify the director of the names, registrations, tonnages and catches of such vessels.

(E) For the purpose of this Agreement and this Protocol, the term "tons" refers to short tons.

(F) After deducting an appropriate percentage of the total fees collected for administrative costs, but in no case more than ten percent of the annual total, the Council shall disburse annually the balance of all fees to the Coastal States in proportion to the amount of tuna taken within 200 nautical miles of each Coastal State, measured from the aforementioned baselines, during the year in which the licenses are issued. For the purposes of such disbursement, the Council, in accordance with paragraph (G) of this Protocol, may request, in addition, data from any competent international agency or organization.

(G) 1. All licensed vessels shall provide written reports on the size of the catches taken in the Agreement Area, making specific mention of the coordinates of where the catches were made. These data shall be entered in the logbook of each vessel.

2. These data shall be confidential and shall not be used for any purpose other than as specifically provided by the Agreement and this Protocol.

3. The Director shall transmit to the Council aggregate data by area and size of catch.

4. The Council shall determine the mechanisms of collection and analysis of these data.

5. In accordance with Article VI (B) of the Agreement, each Contracting Party shall establish and enforce appropriate penalties for failure of its vessels to comply with their obligations set forth in this Protocol.

(H) The Contracting Parties will consult, as appropriate, with other States with a view to agreeing on the conditions of participation in this Agreement.

Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, Port Moresby, 1987

Done at Port Moresby 2 April 1987

Entered into force 15 June 1988

Depositary: Papua New Guinea

Primary source citation: TIAS 11100

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The Governments of the Pacific Island States party to this Treaty and the Government of the United States of America:

ACKNOWLEDGING that in accordance with international law, coastal States have sovereign rights for the purposes of exploring and exploiting, conserving and managing the fisheries resources of their exclusive economic zones or fisheries zones;

RECOGNISING the strong dependence of the Pacific Island parties on fisheries resources and the importance of the continued abundance of those resources;

BEARING IN MIND that some species of fish are found within and beyond the jurisdiction of any of the parties and range throughout a broad region; and

DESIRING to maximize benefits flowing from the development of the fisheries resources within the exclusive economic zones or fisheries zones of the Pacific Island parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

DEFINITIONS AND INTERPRETATION

1.1 In this Treaty:

(a) "Administrator" means that person or organisation designated by the Pacific Island parties to act as such on their behalf pursuant to this Treaty and notified to the Government of the United States;

(b) "final judgment" means a judgment from which no appeal proceedings have been initiated within sixty days;

(c) "fishing" means:

(i) searching for, catching, taking or harvesting fish;

(ii) attempting to search for, catch, take or harvest fish;

(iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

(iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(v) any operations at sea directly in support of, or in preparation for any activity described in this paragraph; or

(vi) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;

(d) "fishing vessel of the United States" or "vessel" means any boat, ship or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, which is documented under the laws of the United States;

(e) "Licensing Area" means all waters in the Treaty Area except for:

(i) waters subject to the jurisdiction of the United States in accordance with international law; and

(ii) waters closed to fishing by fishing vessels of the United States in accordance with Annex I;

(f) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;

(g) "Pacific Island party" means a Pacific Island State party to this Treaty and "Pacific Island parties" means all such States from time to time;

(h) "Pacific Island State" means a party to the South Pacific Forum Fisheries Agency Convention, 1979;

(i) "party" means a State party to this Treaty, and "parties" means all such States, from time to time;

(j) "this Treaty" means this Treaty, its Annexes and Schedules; and

(k) "Treaty Area" means all waters north of 60 degrees South latitude and east of 90 degrees East longitude, subject to the fisheries jurisdiction of Pacific Island parties, and all other waters within rhumb lines connecting the following geographic co-ordinates, designated for the purposes of this Treaty, except for

waters subject to the jurisdiction in accordance with international law of a State which is not a party to this Treaty:

2°35′39″S	141°00′00″E
1°01′35″N	140°48′35″E
1°01′35″N	129°30′00″E
10°00′00″N	129°30′00″E
14°00′00″N	140°00′00″E
14°00′00″N	142°00′00″E
12°30′00″N	142°00′00″E
12°30′00″N	158°00′00″E
15°00′00″N	158°00′00″E
15°00′00″N	165°00′00″E
18°00′00″N	165°00′00″E
18°00′00″N	174°00′00″E
12°00′00″N	174°00′00″E
12°00′00″N	176°00′00″E
5°00′00″N	176°00′00″E
1°00′00″N	180°00′00″
1°00′00″N	164°00′00″W
8°00′00″N	164°00′00″W
8°00′00″N	158°00′00″W
0°00′00″	150°00′00″W
6°00′00″S	150°00′00″W
6°00′00″S	146°00′00″W
12°00′00″S	146°00′00″W
26°00′00″S	157°00′00″W
26°00′00″S	174°00′00″W
40°00′00″S	174°00′00″W
40°00′00″S	171°00′00″W
46°00′00″S	171°00′00″W
55°00′00″S	180°00′00″
59°00′00″S	160°00′00″E
59°00′00″S	152°00′00″E

and north along the 152 degrees of East longitude until intersecting the Australian 200 nautical mile limit.

1.2. Nothing in this Treaty shall be deemed to affect the applicability of any provision of a Pacific Island party's law which is not identified or otherwise described in this Treaty.

ARTICLE 2

BROADER CO-OPERATION

2.1 The Government of the United States shall, as appropriate, co-operate with the Pacific Island parties through the provision of technical and economic support to assist the Pacific Island parties to achieve the objective of maximizing benefits from the development of their fisheries resources.

2.2 The Government of the United States shall, as appropriate, promote the maximization of benefits generated for the Pacific Island parties from the operations of fishing vessels of the United States licensed pursuant to this Treaty, including:

(a) the use of canning, transshipment, slipping and repair facilities located in the Pacific Island parties;

(b) the purchase of equipment and supplies, including fuel supplies, from suppliers located in the Pacific Island parties; and

(c) the employment of nationals of the Pacific Island parties on board licensed fishing vessels of the United States.

ARTICLE 3

ACCESS TO THE TREATY AREA

3.1 Fishing vessels of the United States shall be permitted to engage in fishing in the Licensing Area in accordance with the terms and conditions referred to in Annex I and licenses issued in accordance with the procedures set out in Annex II.

3.2 It shall be a condition of any licence issued pursuant to this Treaty that the vessel in respect of which the licence is issued is operated in accordance with the requirements of Annex I. No fishing vessel of the United States shall be used for fishing in the Licensing Area without a licence issued in accordance with Annex II or in waters closed to fishing pursuant to Annex I, except in accordance with paragraph 3 of this Article, or unless the vessel is used for fishing albacore tuna by the trolling method in high seas areas of the Treaty Area.

3.3 A Pacific Island party may permit fishing vessels of the United States to engage in fishing in waters under the jurisdiction of that party which are:

(a) within the Treaty Area but outside the Licensing Area; or

(b) except for purse seine vessels, within the Licensing Area but otherwise than in accordance with the terms and conditions referred to in Annex I,

in accordance with such terms and conditions as may be agreed from time to time with the owners of the said vessels or their representatives. In such a case, if the Pacific Island party gives notice to the Government of the United States of such arrangements, and if the Government of the United States concurs, the procedures of Articles 4 and 5.6 shall be applicable to such arrangements.

ARTICLE 4

FLAG STATE RESPONSIBILITY

4.1 The Government of the United States shall enforce the provisions of this Treaty and licenses issued thereunder. The Government of the United States shall take the necessary steps to ensure that nationals and fishing vessels of the United States refrain from fishing in the Licensing Area and in waters closed to fishing pursuant to Annex I, except as authorised in accordance with Article 3.

4.2 The Government of the United States shall, at the request of the Government of a Pacific Island party, take all reasonable measures to assist that party in the investigation of an alleged breach of this Treaty by a fishing vessel of the United States and promptly communicate all the requested information to that party.

4.3 The Government of the United States shall ensure that:

(a) each fishing vessel of the United States licensed pursuant to this Treaty is fully insured against all risks and liabilities;

(b) all measures are taken to facilitate:

(i) any claim arising out of the activities of a fishing vessel of the United States, including a claim for the total market value of any fish taken from the Licensing Area without authorisation pursuant to this Treaty, and the prompt settlement of that claim;

(ii) the service of legal process by or on behalf of a national or the Government of a Pacific Island party in any action arising out of the activities of a fishing vessel of the United States;

(iii) the prompt and full adjudication in the United States of any claim made pursuant to this Treaty;

(iv) the prompt and full satisfaction of any final judgment or other final determination made pursuant to this Treaty; and

(v) the provision of a reasonable level of financial assurances, if, after consultation with the Government of the United States, all Pacific Island parties agree that the collection of any civil or criminal judgment or judgments or determination or determinations made pursuant to this Treaty has become a serious enforcement problem;

(c) an amount equivalent to the total value of any forfeiture, fine, penalty or other amount collected by the Government of the United States incurred as a result of any actions, judicial or otherwise, taken pursuant to this Article is paid to the Administrator as soon as possible following the date that the amount is collected.

4.4 The Government of the United States shall, at the request of the Government of a Pacific Island party, fully investigate any alleged infringement of this Treaty involving a vessel of the United States, and report as soon as practicable and in any case within two months to that Government on that investigation and on any action taken or proposed to be taken by the Government of the United States in relation to the alleged infringement.

4.5 In the event that a report provided pursuant to paragraph 4 of this Article shows that a fishing vessel of the United States:

(a) while fishing in the Licensing Area did not have a licence to fish in the Licensing Area, except in accordance with paragraph 2 of Article 3; or

(b) was involved in any incident in which an authorised officer or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcefully resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of his or her duties as authorised pursuant to this Treaty; or

that there was probable cause to believe that a fishing vessel of the United States:

(c) was used for fishing in waters closed to fishing pursuant to Annex I, except as authorised in accordance with paragraph 3 of Article 3;

(d) was used for fishing in any Limited Area as described in Annex I, except as authorised in accordance with that Annex;

(e) was used for fishing by any method other than the purse seine method, except in accordance with paragraph 2 of Article 3;

(f) was used for directed fishing for Southern Bluefin Tuna or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch;

(g) used an aircraft for fishing which was not identified on a form provided pursuant to Schedule 1 of Annex II in relation to that vessel; or

(h) was involved in an incident in which evidence which otherwise could have been used in proceedings concerning the vessel has been intentionally destroyed;

and that such vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned

leaves the Licensing Area and waters closed to fishing pursuant to Annex I immediately and does not return except for the purpose of submitting to the jurisdiction of the party, or after action has been taken by the Government of the United States to the satisfaction of that party.

4.6 In the event that a report provided pursuant to paragraph 4 of this Article shows that a fishing vessel of the United States has been involved in a probable infringement of this Treaty, including an infringement of an applicable national law as identified in Schedule 1 of Annex I, other than an infringement of the kind described in paragraph 5 of this Article, and that the vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned:

(a) submits to the jurisdiction of that party; or

(b) is penalised by the Government of the United States at such level as may be provided for like violations in United States law relating to foreign fishing vessels licensed to fish in the exclusive economic zone of the United States but not to exceed the sum of US$250,000.

4.7 Financial assurances provided pursuant to this Treaty may be drawn against by any Pacific Island party to satisfy any civil or criminal judgment or other determination in favour of a national or the Government of a Pacific Island party.

4.8 Prior to instituting any legal proceedings pursuant to this Article concerning an alleged infringement of this Treaty in waters within the jurisdiction, for any purpose, as recognised by international law, of a Pacific Island party, the government of the United States shall notify the Government of that Pacific Island party that such proceedings shall be instituted. Such notice shall include a statement of the facts believed to show an infringement of this Treaty and the nature of the proposed proceedings, including the proposed charges and the proposed penalties to be sought. The Government of the United States shall not institute such proceedings if the Government of that Pacific Island party objects within 30 days of the effective date of such notice.

4.9 The Government of the United States shall ensure that an agent is appointed and maintained in accordance with the requirements of subparagraphs (a) and (b) of this paragraph, with authority to receive and respond to any legal process issued by a Pacific Island party in respect of an operator of any fishing vessel of the United States (identified in the form set out in Schedule 1 of Annex II) and shall notify the Administrator of the name and address of such agent, who:

(a) shall be located in Port Moresby for the purpose of receiving and responding to any legal process issued in accordance with this Article; and

(b) shall, within 21 days of notification that legal process has been issued in accordance with this Article, travel to any Pacific Island party, at no expense to that party, for the purpose of receiving and responding to that process.

ARTICLE 5

COMPLIANCE POWERS

5.1 It is recognised that the respective Pacific Island parties may enforce the provisions of this Treaty and licenses issued thereunder, including arrangements made pursuant to Article 3.3 and licenses issued thereunder, in waters under their respective jurisdictions.

5.2 The Governments of the Pacific Island parties shall promptly notify the Government of the United States of any arrest of a fishing vessel of the United States or any of its crew and of any charges filed or proceedings instituted following the arrest, in accordance with this Article.

5.3 Fishing vessels of the United States and their crews arrested for breach of this Treaty shall be promptly released upon the posting of a reasonable bond or other security. Penalties applied in accordance with this Treaty for fishing violations shall not be unreasonable in relation to the offence and shall not include imprisonment or corporal punishment.

5.4 The Government of the United States shall not apply sanctions of any kind including deductions, however effected, from any amounts which might otherwise have been paid to any Pacific Island party, and restrictions on trade with any Pacific Island party, as a result of any enforcement measure taken by a Pacific Island party in accordance with this Article.

5.5 The Governments of the parties shall adopt and inform the other parties of such provisions in their national laws as may be necessary to give effect to this Treaty.

5.6 Where legal proceedings have been instituted by the Government of the United States pursuant to Article 4, no Pacific Island party shall proceed with any legal action in respect of the same alleged infringement as long as such proceedings are maintained. Where penalties are levied or proceedings are otherwise concluded by the Government of the United States pursuant to Article 4, the Pacific Island party which has received notice of such final determination shall withdraw any legal charges or proceedings in respect of the same alleged infringement.

5.7 During any period in which a party is investigating any infringement of this Treaty involving a fishing vessel of the United States, being an infringement which is alleged to have taken place in waters within the jurisdiction, for any purpose, as recognised by international law, of a Pacific Island party, and if that Pacific Island party so notifies the other parties, any licence issued in respect of that vessel shall, for the purposes of Article 3, be deemed not to authorise fishing in the waters of that Pacific Island party.

5.8 If full payment of any amount due as a result of a final judgment or other final determination deriving from an occurrence in waters within the jurisdiction, for any purpose, of a Pacific Island party, is not made to that party within sixty (60) days, the licence for the vessel involved shall be suspended at the request of that party and that vessel shall not be authorised to fish in the Licensing Area until that amount is paid to that party.

ARTICLE 6

CONSULTATIONS AND DISPUTE SETTLEMENT

6.1 At the request of any party, consultations shall be held with any other party within sixty (60) days of the date of receipt of the request. All other parties shall be notified of the request for consultations and any party shall be permitted to participate in such consultations.

6.2 Any dispute between the Government of the United States and the Government of one or more Pacific Island parties in relation to or arising out of this Treaty may be submitted by any such party to an arbitral tribunal for settlement by arbitration no earlier than one hundred and twenty (120) days following a request for consultations under Article 6.1. Unless the parties to the dispute agree otherwise, the Arbitration Rules of the United Nations Commission on International Trade Law as at present in force, shall be used.

6.3 The Government or Governments of the Pacific Island party or parties to the dispute shall appoint one arbitrator and the Government of the United States shall appoint one arbitrator. The third arbitrator, who shall act as presiding arbitrator of the tribunal, shall be appointed by agreement of the parties to the dispute. In the event of a failure to appoint any arbitrator within the time period provided in the Rules, the arbitrator shall be appointed by the Secretary-General of the Permanent Court of Arbitration at The Hague.

6.4 Unless the parties to the dispute agree otherwise, the place of arbitration shall be Port Moresby. The tribunal may hold meetings at such other place or places within the territory of a Pacific island party or elsewhere within the Pacific Islands region as it may determine. An award or other decision shall be final and binding on the parties to the arbitration, and, unless the parties agree otherwise, shall be made public. The parties shall promptly carry out any award or other decision of the tribunal.

6.5 The fees and expenses of the tribunal shall be paid half by the Government or Governments of the Pacific Island party or parties to the arbitration and half by the Government of the United States, unless the parties to the arbitration agree otherwise.

ARTICLE 7

REVIEW OF THE TREATY

7. The parties shall meet once each year for the purpose of reviewing the operation of this Treaty.

ARTICLE 8

AMENDMENT OF THE TREATY

8. The following procedures shall apply to the adoption and entry into force of any amendment to this Treaty.

(a) Any party may propose amendments to this Treaty.

(b) A proposed amendment shall be notified to the depositary not less than forty five (45) days before the meeting at which the proposed amendment will be considered.

(c) The depositary shall promptly notify all parties of such proposal.

(d) The parties shall consider proposed amendments to this Treaty at the annual meeting described in Article 7, or at any other time that may be agreed by all parties.

(e) Any amendment to this Treaty shall be adopted by the approval of all the parties, and shall enter into force upon receipt by the depositary of instruments of ratification, acceptance or approval by the parties.

(f) The depositary shall promptly notify all parties of the entry into force of the amendment.

ARTICLE 9

AMENDMENT OF ANNEXES

9. The following procedures may apply to the adoption and entry into force of any amendment to an Annex of this Treaty, at the request of the party proposing the amendment, in lieu of the procedure set out in Article 8, unless otherwise provided in the Annex.

(a) Any party may propose amendment to an Annex of this Treaty at any time by notifying such proposal to the depositary, which shall promptly notify all parties of the proposed amendment.

(b) A party approving a proposed amendment to an Annex shall notify its acceptance to the depositary, which shall promptly notify all the parties of each acceptance. Upon receipt by the depositary of notices of acceptance from all parties, such amendment shall be incorporated in the appropriate Annex and shall have effect from that date, or from such other date as may be specified in such amendment. The depositary shall promptly notify all parties of the adoption of the amendment and its effective date.

ARTICLE 10

NOTIFICATION

10.1 The Administrator and each party shall notify the depositary of their current addresses for the receipt of notices given pursuant to this Treaty, and the depositary shall notify the Administrator and each of the parties of such addresses or any changes thereof. Unless otherwise specified in this Treaty, any notice given in accordance with this Treaty shall be in writing and may be served by hand or sent by telex or, where either method cannot readily be effected, by registered airmail to the address of the party or the Administrator as currently listed with the depositary.

10.2 Delivery by hand shall be effective when made. Delivery by telex shall be deemed to be effective on the business day following the day when the "answer back"appears on the sender's telex machine. Delivery by registered airmail shall be deemed to be effective twenty-one (21) days after posting.

ARTICLE 11

DEPOSITARY

11. The depositary for this Treaty shall be the Government of Papua New Guinea.

ARTICLE 12

FINAL CLAUSES

12.1 This Treaty shall be open for signature by the Governments of all the Pacific Island States and the Government of the United States of America.

12.2 This Treaty is subject to ratification by the States referred to in paragraph 1 of this Article. The instruments of ratification shall be deposited with the depositary.

12.3 This Treaty shall remain open for accession by States referred to in paragraph 1 of this Article. The instruments of accession shall be deposited with the depositary.

12.4 This Treaty shall enter into force upon receipt by the depositary of instruments of ratification by the Government of the United States and by the Governments of ten Pacific Island States which shall include the Federated States of Micronesia, the Republic of Kiribati and Papua New Guinea.

12.5 This Treaty shall enter into force for any State ratifying or acceding after the entry into force of this Treaty on the thirtieth day after the date on which its instrument of ratification or accession is received by the depositary.

12.6 This Treaty shall cease to have effect at the expiry of one year following the receipt by the depositary of an instrument signifying withdrawal or denunciation by the United States, any of the Pacific Island States named in Article 12.4, or such number of Pacific Island States as would leave fewer than ten such States as parties.

12.7 This Treaty shall cease to have effect for a party at the expiry of the sixth month following the receipt by the depositary of an instrument signifying withdrawal or denunciation by that party, except that where this Treaty would cease to have effect under the last preceding paragraph as the result of the receipt of the said instrument, it shall cease to have effect for that party in the manner provided in the last preceding paragraph.

12.8 Any licence in force pursuant to this Treaty shall not cease to have effect as a result of this Treaty ceasing to have effect either generally or for any party, and Articles 1, 3, 4 and 5 shall be regarded as continuing in force between the United States and the Pacific Island State party in respect of such licence until such licence expires in accordance with its terms.

12.9 No reservations may be made to this Treaty.

12.10 Paragraph 9 of this Article does not preclude a State, when signing, ratifying or acceding to this Treaty, from making declarations or statements, provided that such declarations or statements do not purport to exclude or modify the legal effect of the provisions of this Treaty in their application to that State.

DONE at Port Moresby on the second day of April, 1987

ANNEX I

PART 1

INTRODUCTORY

1. In this Annex:

(a) "applicable national law" means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;

(b) "Closed Area" means an area of a Pacific Island party as described in Schedule 2;

(c) "Limited Area" means an area described in Schedule 3; and

(d) "the vessel" means the vessel in respect of which a licence is issued.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of Article 4, the amendment shall take effect sixty (60) days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2

COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3

PROHIBITIONS

5. The vessel shall not be used for directed fishing for Southern Bluefin Tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.

6. The vessel shall not be used for fishing by any method, except the purse seine method.

7. The vessel shall not be used for fishing in any Closed Area.

8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex I.

9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

PART 4

REPORTING

10. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:

(a) before departure from port for the purpose of beginning a fishing trip in the Licensing Area;

(b) each Wednesday while within the Licensing Area or a Closed Area; and

(c) before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.

11. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United States by that party as follows:

(a) at the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;

(b) at least 24 hours prior to the estimated time of entry into any port of that party; and

(c) as otherwise set out in Part 3 of Schedule 4.

12. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

13. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or, in the case of unloading by transshipment, within fourteen (14) days following unloading of that transshipment at the processing site.

PART 5

ENFORCEMENT

14. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorised and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, gear, equipment, records, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorised officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his or her duties.

15. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16 VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the surveillance and enforcement authorities of the parties.

16. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, in the following manner:

(a) amidships on both sides immediately below the gunwale, and on a horizontal plane on the superstructure, in letters and figures 20 centimetres apart, with each letter and figure being at least one metre high and 50 centimetres wide and with each line at least 12.5 centimetres wide;

(b) if a helicopter is being carried, on the body of the helicopter in a place cleanly visible from sea level, in letters and figures five centimetres apart, with each letter and figure being at least 25 centimetres high, 10 centimetres wide and with each line being at least 2.5 centimetres wide; and

(c) on any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, in letters and figures clearly legible to the naked eye;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

17. The licence shall be carried on board the vessel and produced at the request of an authorised enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 6

OBSERVERS

18. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

(a) board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;

(b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and copying; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;

(c) disembark at the point and time notified by Pacific Island parties to the Government of the United States; and

(d) carry out his or her duties safely;

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

19. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

20. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorised for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

21. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 7

MISCELLANEOUS REQUIREMENTS

22. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down; and launches shall be secured.

23. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

24. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

SCHEDULE 1

APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

Australia

Antarctic Marine Living Resources Conservation Act, 1981
Continental Shelf (Living Natural Resources) Act, 1968
Continental Shelf (Living Natural Resources) Regulations
Fisheries Act, 1952
Fisheries Regulations
Torres Strait Fisheries Act, 1984
Whale Protection Act, 1980

Cook Islands

Cook Islands Commercial Fishing Regulations, 1951
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979

Fisheries Protection Act, 1976
Fishing Ordinance, 1950
Territorial Sea and Exclusive Economic Zone Act, 1977

Federated States of Micronesia

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

Fiji

Fisheries Act, 1942
Fisheries Ordinance (Cap 135)
Fisheries Regulations (Cap 135)
Marine Spaces Act, 1978
Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

Kiribati

Fisheries Ordinance, 1979
Fisheries (Amendment) Act, 1984
Marine Zones (Declaration) Act, 1983

Marshall Islands

Marine Resources Jurisdiction Act, 1978
Marine Zones (Declaration) Act, 1984

Nauru

Interpretation Act, 1971
Interpretation Act, 1975
Marine Resources Act, 1978

New Zealand

Antarctic Marine Living Resources Act, 1981
Continental Shelf Act, 1964
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978
Fisheries Act, 1983
Marine Mammals Protection Act, 1978
Territorial Sea and Exclusive Economic Zone Act, 1977
Tokelau (Territorial Sea and Exclusive Economic Zone Act), 1977

Niue

Territorial Sea and Exclusive Economic Zone Act, 1978

Palau

Palau National Code, Title 27

Papua New Guinea

Fisheries Act (Cap 214)
Fisheries Regulations (Cap 214)
Fisheries (Torres Strait Protected Zone) Act, 1984
Tuna Resources Management (National Seas) Act (Cap 224)
Whaling Act (Cap 225)

Solomon Islands

Delimitation of Marine Waters Act, 1978
Fisheries Act, 1972
Fisheries Limits Act, 1977
Fisheries Regulations, 1972
Fisheries (Foreign Fishing Vessels) Regulations, 1981

Tonga

Fisheries Protection Act, 1973
Fisheries Regulation Act, 1923
Whaling Industry (Amendment) Act, 1979

Tuvalu

Fisheries Act (Cap 45)
Foreign Fishing Vessel Regulations, 1982
Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1984
Marine Zones (Declaration) Act, 1983

Vanuatu

Fisheries Act, 1982
Fisheries Regulations, 1983
Maritime Zones Act, 1981

Western Samoa

Exclusive Economic Zone Act, 1977
Fisheries Protection Act, 1972
Territorial Sea Act, 1971

SCHEDULE 2

CLOSED AREAS

Australia. All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25°30′ South with the point of intersection of the meridian of longitude 151° East by the outer limit of the AFZ and all waters south of the parallel of latitude 25°30′ South.

Cook Islands. Territorial Sea.

Federated States of Micronesia. Three nautical mile territorial sea and nine nautical mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

DMAHTC NO 81019 (2nd. ed., Mar. 1945; revised 7/17/72; corrected through NM 3/78 of June 21, 1978).
DMAHTC NO 81023 (3rd. ed., Aug. 7, 1976).
DMAHTC NO 81002 (4th. ed., Jan. 26, 1980; corrected through NM 4/80).

Fiji. Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

Kiribati. Within archipelagic waters as established in accordance with Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial sea is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Marshall Islands. 12 nautical mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Nauru. The territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

New Zealand. Territorial waters; waters within 6 nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° South latitude; all waters to east of New Zealand main islands south of 40° South latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve and one half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofo; and coordinates as follows:

Atafu:	3°35′10″S, 172°29′30″W
Nukunonu:	9°06′25″S, 171°52′10″W
	9°11′30″S, 171°47′00″W
Faka'ofo:	9°22′30″S, 171°16′30″W

Niue. Territorial sea and within 3 nautical miles of Beveridge Reef Antiope Reef and Haran Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

Palau. Within 12 nautical miles of all island baselines in the Palau Islands; within a 50 nautical mile arc measured from the entrance to Malakal Harbour (7°16′44″N, 134°28′18″E) and extending from where the arc intersects the territorial sea limit to the northeast of Babelthuap Island to the 134° East meridian of longitude, southwest of Angaur Island then due north along the 134° East meridian of longitude to the intersection with the territorial sea limit.

Papua New Guinea. In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians - from latitude 0°30′ South to latitude 3°30′ South, and from longitude 149° East to longitude 153° East.

Solomon Islands. All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° East, 4°20′ South, then extending due south along 161° to a point 6°30′ South, then by a line extending due east to a point 165° East, then by a line due south to a point 8° South, then by a line due east to a point 169°55′ East.

Tonga. All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty third and one half degrees of south latitudes and the one hundred and seventy third and the one hundred and seventy seventh degrees of west longitudes; also within a radius of twelve nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

Tuvalu. Territorial sea and waters within two nautical miles of all named banks, i.e. Macaw, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kingdom Hydrographic Department, Taunton, January 11, 1981.

Vanuatu. Archipelagic waters and the territorial sea, and internal waters.

Western Samoa. Territorial sea; reefs, banks and areas bounded/enclosed by the following parallels and meridians to the extent such areas are within Western Samoa fisheries jurisdiction:

1. From latitude 12° 58′ South to latitude 13° 11.5′ South and longitude 174° 5.5′ West to longitude 174° 26′ West.

2. From latitude 12° 12′ South to latitude 12° 38.5′ South and longitude 173° 47′ West to longitude 174° 25′ West.

3. From latitude 13° 7′ South to latitude 13° 19′ South and longitude 172° 59′ West to longitude 173° 38.5′ West.

4. From latitude 14° 51′ South to latitude 15° 3.4′ South and longitude 172° 10.7′ West to longitude 172° 19.1′ West.

5. From latitude 14° 20.5′ South to latitude 14° 28′ South and longitude 171° 8′ West to longitude 171° 17′ West.

and within 2 nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical coordinates.

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty.

SCHEDULE 3

LIMITED AREAS

Solomon Islands

1. The Solomon Islands Limited Area is all of the Licensing Area within the fishery limits of Solomon Islands as described in the Fishery Limits Act 1977 of Solomon Islands.

2. "Fishing day" means any day or part of a day of the week in which a vessel is used for fishing in the Solomon Islands Limited Area.

3. There shall be no fishing in the Solomon Islands Limited Area after the expiry of the five hundredth fishing day from the earliest date on which any Licensing Period taxes effect in any given year.

SCHEDULE 4

REPORTING DETAILS

PART 1

LICENSING AREA REPORTS TO THE ADMINISTRATOR

(a) Port departure and entry into port for unloading

(1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)

(2) date

(3) call sign

(4) port name

(5) catch on board by species (in short tons)

as: LBEG (or LFIN) / ddmmyy / CALL SIGN / PORT / SJ xxx YF yyy OTH zzz

(b) Weekly reports

(1) report type (WEEK)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: WEEK / ddmmyy / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz

PART 2

REPORTS TO NATIONAL AUTHORITIES

(a) Zone entry and exit

(1) report type (ZENT for entry and ZEXT for exit)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: ZENT (or ZEXT) / ddmmyy / CALL SIGN / TIME / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz

(b) Port entry reports

(1) report type (PENT)

(2) date

(3) call sign

(4) estimated time of entry into port (GMT)

(5) port name

as: PENT / ddmmyy / CALL SIGN / TIME / PORT NAME

PART 3

OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

(a) Report of position each two days while within the Australian Fishing Zone;

(b) 24 hours notice of intention to enter the Australian Fishing Zone; and

(c) Report of catch by species every six days while within the Australian Fishing Zone.

2. Fiji

(a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and

(b) While in Fiji fisheries waters, weekly report of catch by species.

3. Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

4. New Zealand

(a) While in the New Zealand exclusive economic zone, notification of daily noon positions, to be received no later than noon on the following day;

(b) Notice of catch on board the vessel at the time of entry into the New Zealand exclusive economic zone;

(c) A weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday; and

(d) 24 hours notice of intention to enter the New Zealand exclusive economic zone.

5. Solomon Islands

Report on:

(a) Expected vessel position, date and time of entry at least 24 hours before entry into the Solomon Islands Fishery Limits;

(b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and

(c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.

6. Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

7. Tuvalu

(a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:

(i) the name, call sign and country of registration of the vessel;

(ii) the licence number;

(iii) position on entry; and

(iv) catch by species.

SCHEDULE 5
PURSE SEINE VESSEL CATCH REPORT FORM

VESSEL NAME _____
COUNTRY OF REGISTRATION _____
REGISTRATION NUMBER _____
GROSS REGISTERED TONNAGE _____
NAME(S) OF FISH CARRIER (S) _____
FOR GROUP PURSE-SEINER _____

LICENSE/PERMIT NUMBER _____
NAME OF CAPTAIN _____
LICENSE/PERMIT HOLDER'S SIGNATURE _____

YEAR _____ MONTH _____

	NAME		YYMMDD
DEPARTURE FROM PORT		DATE	
ARRIVAL AT PORT		DATE	

NUMBER OF CREW

DAY	NOON OR SET POSITION				SCHOOL TYPE	TIME SET	SKIPJACK		YELLOWFIN		OTHER SPECIES			COMMENTS	DISCARDS		
	LAT		LONG				CATCH Short Tons	AV. SIZE (lb)	CATCH Short Tons	AV. SIZE (lb)	SPECIES NAME	CATCH Short Tons	AV. SIZE (lb)		TUNA Short Tons	OTHERS (lb)	REASON FOR DISCARD
	DDMM	N/S	DDMM	E/W													
					( )									( )			( )
					( )									( )			( )
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					( )									( )			( )
TOTAL																	

NUMERICAL EXPRESSION OF SCHOOL TYPE, COMMENTS, AND REASON FOR DISCARD
****

SCHOOL TYPE
1 Log
2 Surface
3 Whale
4 Porpoise
5 Raft
6 Other

COMMENTS
1 A full day in transit between fishing grounds or to or from fishing grounds.
2 A full day not fishing due to breakdown.
3 A full day not fishing due to bad weather.
4 A full day searching for fish but no sets made.
5 Part of day searching for fish but no sets made.
6 Set unsuccessful for any reason, e.g. fish dive, roll up.

REASON FOR DISCARD

1 Undesirable species
2 Fish too small
3 Vessel completely loaded
4 Other reason - please specify

SCHEDULE 6

PURSE SEINE UNLOADING LOGSHEET

VESSEL NAME _____ RADIO CALL SIGN OR REGIONAL REGISTER NO. _____

(1) PORT _____

OR, IF AT SEA, POSITION: LAT _____ LONG _____

(2) DATES

(a) AT UNLOADING POINT

ARRIVAL _____ DEPARTURE _____

(b) AT UNLOADING

COMMENCEMENT _____ COMPLETION _____

(3) PARTIAL OR COMPLETE UNLOADING _____

(4) UNLOADING TO _____

(5)

(a) CARRIER VESSEL NAME _____

and RADIO CALL SIGN OR REGIONAL REGISTER NO. _____

or

(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH _____

_____

(6) DESTINATION OF FISH _____

_____

(7) QUANTITY UNLOADED

	YELLOWFIN	SKIPJACK	BIGEYE	MARLIN	OTHER	UNIT OF MEASUREMENT
ACCEPTED	_____	_____	_____	_____	_____	_____
REJECTED	_____	_____	_____	_____	_____	_____

SIGNATURES

_____ VESSEL MASTER

_____ RECEIVING AGENT

ANNEX II

1. For the purposes of this Annex:

(a) "Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Part 1 of Schedule 2 for that Licensing Period in the manner described in that Schedule. Other financial commitments shall be provided during the Licensing Period pursuant to Part 2 of Schedule 2.

4. Subject to paragraph 5, a licence may be denied:

(a) where the application is not in accordance with the requirements of paragraph 2;

(b) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;

(c) where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:

(i) good standing is withdrawn only as a result of:

(A) the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgment rendered with respect to such an offence;

(B) evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or

(C) the vessel operator has failed to comply with information requirements for registration as notified by the Administrator to the Government of the United States;

(ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;

(iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and

(iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;

(d) where there has been a failure to satisfy a final judgment or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgment or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or

(e) where an operator has committed, or the vessel has been used for:

(i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or

(ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

5. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

6. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

(a) a licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or

(b) a statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application;

is promptly provided to the Government of the United States.

SCHEDULE 1

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

APPLICATION FORM

Application is hereby made for a licence authorising the use of the vessel named in this application for fishing in the Licensing Area.

1. FULL NAME OF VESSEL: _____

2. RADIO CALL SIGN OF VESSEL: _____

3. REGIONAL REGISTER NUMBER OF VESSEL: _____

4. FULL NAME AND ADDRESS OF EACH PERSON WHO IS AN OPERATOR OF THE VESSEL, AND STATE WHETHER OWNER, CHARTERER, MASTER OR OTHER. IF OTHER, SPECIFY DETAILS: _____
_____
_____

5. FULL NAME AND ADDRESS OF INSURER FOR PURPOSES OF ARTICLE 4.3(a) OF THE TREATY: _____
_____

6. REGISTRATION NUMBER AND MAKE OF HELICOPTER, IF ANY, TO BE CARRIED ON VESSEL: _____
_____

7. REGISTRATION NUMBER AND MAKE OF ANY AIRCRAFT TO BE USED IN ASSOCIATION WITH FISHING ACTIVITIES AND NAME AND ADDRESS OF OPERATOR: _____
_____

8. STATE WHETHER OWNER OR CHARTERER IS THE SUBJECT OF PROCEEDINGS UNDER THE BANKRUPTCY LAWS OF THE UNITED STATES: _____
_____

9. STATE WHETHER OPERATOR OR VESSEL HAS BEEN INVOLVED IN A VIOLATION OF THIS TREATY. IF YES, SPECIFY DETAILS: _____
_____

_____
Date of application

_____
Director of the Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration

SCHEDULE 2

PAYMENTS

The following amounts are payable annually for a period of five (5) years pursuant to paragraph 3 of Annex II.

PART 1

1. The amounts payable as set forth in this paragraph.

(a) Annual industry payments shall be made as follows:

(i) for the first annual Licensing Period, a lump sum of US$1.75 million for 35 vessels, with the next five licences to be made available for the same pro-rata payment as the first 35 licences, and an additional 10 licences to be made available at US$60,000 per vessel;

(ii) for subsequent annual Licencing Periods, 40 vessel licences calculated on the same basis as the first 40 vessel licences in sub-paragraph (i) and indexed to the price of fish as set forth below, with 10 additional licences to be made available at US$60,000 per vessel and indexed to the price of fish as set forth below.

(b) The indexation shall be applied as follows:

(i) DEFINITIONS

A. Base Vessel Payment: The Base Vessel Payment is US$50,000 for the first 40 vessels to be licensed and US$60,000 for vessels to be licensed in excess of 40 vessels.

B. Adjusted Individual Vessel Payment: The Adjusted Individual Vessel Payment is the individual vessel payment of each annual Licensing Period after the first annual Licensing Period. The Adjusted Individual Vessel Payment will always apply to the Licensing Period immediately following its calculation.

C. Landed Price: The Landed Price is the published standard price per ton (American Tuna Sales Association) for fish delivered to American Samoa prevailing at the time a United States purse seine vessel arrives in port for the purpose of offloading its catch.

D. Average Landed Price: The Average Landed Price is calculated by averaging the established landed price categories for yellowfin and skipjack tuna in American Samoa. The landed price categories to be used are: over 7.5 pounds, 4 to 7.5 pounds and 3 to 4 pounds for skipjack; over 20 pounds, 7.5 to 20 pounds and 4 to 7.5 pounds for yellowfin.

E. Base Price: The Base Price is the Average Landed Price for the three months prior to the Treaty entering into force.

F. Estimated Landed Value: The Estimated Landed Value is the Average Landed Price in effect at the time of a vessel's landing weighted by the yellowfin/skipjack mix ratio to be calculated from information on Schedule 6 for that vessel.

G. Average Estimated Landed Value: The Average Estimated Landed Value is the Estimated Landed Value for all landings by United States purse seine vessels in American Samoa in the four quarters preceding the final quarter of the applicable Licensing Period divided by the total number of those landings for the same period.

(ii) CALCULATION AND APPLICATION OF INDEXING FACTOR

A. To obtain the indexing factor by which the Adjusted Individual Vessel Payment shall be calculated, divide the Average Estimated Landed Value for the preceding four quarters by the Base Price.

B. To obtain the Adjusted Individual Vessel Payment, multiply the Base Vessel Payment by the indexing factor obtained in Paragraph (ii) A.

C. In no case shall the Adjusted Individual Vessel Payment be less than the Base Vessel Payment.

(iii) NOTIFICATIONS

The established prices and any changes shall be supplied to the Administrator by the Government of the United States within ten (10) days of their publication. The Administrator shall notify the Government of the United States sixty (60) days before the start of each Licensing Period of the Adjusted Individual Vessel Payment along with the computation used to arrive at the Adjusted Individual Vessel Payment. The Adjusted Individual Vessel Payment shall become final thirty (30) days after receipt by the Government of the United States, unless the Government of the United States advises the Administrator otherwise, in which case consultations shall be held.

(iv) CONSULTATIONS

If the established price categories are revised, or if there is a change in the tuna industry structure which makes the price calculations as set forth above inappropriate, the Administrator may consult with representatives of the Government of the United States as necessary to revise the formula.

(c) There shall be no pro-ration of the Base Vessel Payment or the Adjusted Individual Vessel Payment. There shall be no refunds of the Base Vessel Payment or the Adjusted Individual Vessel Payment following licence issuance pursuant to Annex II.

2. Sums payable pursuant to the related Agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

PART 2

3. Technical assistance, including provision of assistance by technicians, by the United States tuna industry valued at US$250,000 annually in response to requests co-ordinated through the Administrator.

SCHEDULE 3

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

LICENCE FORM

The vessel described in this licence is hereby authorised to engage in fishing in the Licensing Area for the period described in this licence, in accordance with the terms and conditions referred to in Annex I.

FULL NAME OF VESSEL: _____

RADIO CALL SIGN OF VESSEL: _____

REGIONAL REGISTER NUMBER OF VESSEL: _____

HELICOPTER OR OTHER AIRCRAFT WHICH MAY BE USED IN ASSOCIATION WITH THE FISHING ACTIVITIES OF THE VESSEL: _____

PERIOD OF VALIDITY:

The period of validity of this license shall be no longer than one year:

FROM _____, 19 ____

TO _____, 19 ____

_____
FOR AND ON BEHALF OF THE PACIFIC ISLAND PARTIES

DATE OF ISSUE: _____

LICENCE NUMBER: _____

WARNING: IT IS AN OFFENCE AGAINST THE LAWS OF MANY NATIONS, INCLUDING THE UNITED STATES OF AMERICA, TO VIOLATE THE REQUIREMENTS OF ANNEX I. PENALTIES MAY INCLUDE SUBSTANTIAL FINES AND VESSEL FORFEITURE.

AGREED STATEMENT ON OBSERVER PROGRAMME

Representatives of the Governments of the Pacific Island States and the Government of the United States of America have agreed on provisions relating to observers in Annex I Part 6 of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America.

The Representatives recognise that the provision for an observer programme is necessary to implement and achieve the objectives of the Treaty.

The Representatives also acknowledge the desirability of providing appropriate administrative measures pursuant to Annex I, Part 6 of the Treaty.

Therefore, the representatives agree as follows:

(a) observer operations would be based on the placement observers at ports of trip origin for complete trips unless otherwise agreed at the outset of the trip;

(b) the United States Government would be notified of observer placements by an Observer Coordinator nominated by the Pacific Island parties;

(c) The Pacific Island parties would use their best endeavors to ensure that a reasonable period of notice was given, which should, wherever practicable, be at least fourteen (14) days;

(d) the United States Government would use its best endeavours to ensure that the Observer Coordinator is kept informed of the expected pattern of port departures and of the planned fishing activities of departing vessels;

(e) the United States Government would facilitate the placing of observers including the provision of visas;

(f) the United States Government would notify the Observer Coordinator of any difficulties involving the discharge of the duties of observers; and

(g) that it is anticipated observers will use the same range of equipment used by United States observers; and there will be a training program in the use of equipment, but crew will also be expected to assist observers in the use of equipment.

DONE at Port Moresby on the second day of April 1987

Amendments to the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, Waigani, 1992

Done at Waigani 14 May 1992

Not in force

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OFFICE OF THE SECRETARY
DEPARTMENT OF FOREIGN AFFAIRS
POST OFFICE WARDS STRIP
WAIGANI
PAPUA NEW GUINEA

12th October 1992

Ambassador David Colsen
Deputy Assistant Secretary for Ocean Affairs
Bureau of Oceans and International Environmental Affairs
Department of State
Washington DC 20520
USA

Ref: 270-24-3

Dear Ambassador Colsen

RE: TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, ARTICLE 9.

It is hereby proposed that the following Annexes and Schedules to the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America be deleted and replaced with the draft Annexes and Schedules accompanying this note.

The Annexes and Schedules to be amended in the manner aforesaid are -

Annex I

Schedule 1
Schedule 2

Schedule 4
Schedule 5
Schedule 6

Annex II

Schedule 2

As you know, the procedure requires each party to notify the depositary of its acceptance of the proposed amendments. As depositary, I would appreciate receiving your response to this communication at your earliest convenience.

Yours sincerely,

GABRIEL DUSAVA
Secretary for Foreign Affairs

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ANNEX I

PART 1
INTRODUCTORY

1. In this Annex:

(a) "applicable national law" means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;

(b) "Closed Area" means an area of a Pacific Island party as described in Schedule 2;

(c) "fishing trip" means any period commencing with the departure of the vessel from port for the purpose of beginning a fishing trip to such time as any or all of the fish on board the vessel are unloaded from the vessel, either ashore or onto another vessel except for the transfer of catch by a licensed group seiner to its licensed carrier vessel;

(d) "Limited Area" means an area described in Schedule 3;

(e) "the vessel" means the vessel in respect of which a licence is issued; and

(f) "transhipment" means the unloading of any or all of the fish on board a licensed vessel either ashore or onto another vessel.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of Article 4, the amendment shall take effect 60 days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2
COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3
PROHIBITIONS

5. The vessel shall not be used for directed fishing for Southern Bluefin Tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.

6. The vessel shall not be used for fishing by any method, except the purse-seine method.

7. The vessel shall not be used for fishing in any Closed Area.

8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex II.

9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

10. No fish on board the vessel shall be unloaded from the vessel at sea, except in a designated area in accordance with such terms and conditions as may be agreed between the Pacific Island Party in whose zone the transhipment is to take place. Provided that, notwithstanding any such additional terms and conditions, transhipment shall only take place in accordance with the conditions set out in Schedule 4 hereof and catch shall only be transhipped to a carrier vessel duly licensed in accordance with national laws.

PART 4
TRANSHIPMENT

11. The operator of a vessel shall:

(a) provide 48 hours notice to the Administrator and the Pacific Island Party of an intent to tranship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, and the time and place where such transhipment is requested to occur;

(b) only tranship at the time and place authorised for transhipment by the Pacific Island parties;

(c) submit full reports on the transhipment in the form set out in Schedule 6.

12. The master and each member of the crew of the vessel from which any fish taken in the Licensing Area is transhipped shall:

(a) allow and assist any person identified as an officer of the Pacific Island party to have full access to the vessel and any place where such fish is being transhipped and the use of facilities and equipment which the officer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records including its log and documentation for the purpose of inspection and photocopying; and gather any other information required to fully monitor the activity without interfering unduly with the lawful operation of the vessel; and

(b) not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such officer in the performance of his or her duties.

PART 5
REPORTING

13. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:

(a) before departure from port for the purpose of beginning a fishing trip in the Licensing Area;

(b) each Wednesday while within the Licensing Area or a Closed Area; and

(c) before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.

14. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United Sates by that party as follows:

(a) at the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;

(b) each Wednesday while within the waters of that party;

(c) at least 24 hours prior to the estimated time of entry into any port of that party; and

(d) as otherwise set out in Part 3 of Schedule 4.

15. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed in ink in the English language on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

16. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or, in the case of unloading by transhipment, within fourteen (14) days following unloading of that transhipment at the processing site.

PART 6
ENFORCEMENT

17. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.

18. The operator shall ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

19. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the fisheries management, surveillance and enforcement authorities of the parties.

20. The operator shall comply with the 1989 FAO standard specifications for the marking and identification of fishing vessels. In particular the international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background in the following manner:

(a) on the vessel's hull or superstructure, with each letter and number being at least one metre high and having a stroke width of 16.7 centimetres, with the background extending to provide a border around the mark of not less than 16.7 centimetres;

(b) on the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 centimetres high, and having a stroke width of 5 centimetres wide with the background extending to provide a border around the mark of not less than 5 centimetres; and

(c) on any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 centimetres high and having a stroke width of 1.7 centimetres, with the background extending to provide a border around the mark of not less than 1.7 centimetres;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

21. The licence or a duly certified copy, facsimile or telex confirmation thereof shall be carried on board the vessel at all times and produced at the request of an authorized enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 7
OBSERVERS

22. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

(a) board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;

(b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; *including* full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its logs and documentation for the purpose of inspection and copying; reasonable access to navigation equipment, charts, and radios; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;

(c) disembark at the point and time notified by the Pacific Island parties to the Government of the United States; and

(d) carry out all duties safely,

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

23. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

24. (a) The operators of United States vessels licensed to fish pursuant to the agreement shall be responsible for the costs of observers on United States vessels including the full travel costs from the place notified by the Pacific Island Parties to and from the vessel, salary and allowances, and full insurance coverage, and the cost of training those observers.

(b) The fees for the costs of the observers shall be provided in a lump sum on an annual basis to the Administrator. In the first licensing period of the extended Treaty, the lump sum shall be based on the following formula:

The number of licensed U.S. vessels multiplied by the average annual number of trips per vessel for the latest licensing period for which information is available multiplied by 20 percent multiplied by the cost per trip (US$4,000) equals lump sum payment. In addition in the first two years, an additional payment of US$15,000 per year for training shall be made to the Administrator.

(c) For subsequent licensing periods, the Parties may, as mutually determined at the annual meeting provided for in Article 7 of the Treaty adjust the amount of the fees to be paid under sub-paragraph (b), it being understood that:

- the goal of the observer programme is to provide an effective observer programme for compliance by targeting 20 percent coverage, which may be reviewed from time to time;

- any unused sums are carried forward to the next licensing period, with the annual fee to be reduced accordingly;

- the factor of inflation shall be taken into account;

- the costs of training may be reviewed.

25. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

26. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 8
MISCELLANEOUS REQUIREMENTS

27. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down; and launches shall be secured.

28. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

29. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

30. It is understood that a region-wide vessel tracking system applicable to all vessels licensed to fish in the Treaty Area may be established. U.S. vessels with a licence to fish under the Treaty shall participate in such a system and shall install and operate a transponder of a type and in such a manner as may be agreed by the Parties. It is understood that data derived through the system shall be treated as confidential business information and that the terms and conditions for access to that information shall be a matter of discussions between the Parties.

SCHEDULE 1
APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

Australia

Antarctic Marine Living Resources Conservation Act, 1981
Fisheries Management Act, 1991
Fisheries Administration Act, 1991
Statutory Fishing Rights Charge Act, 1991
Fisheries Legislation (Consequential Provisions) Act, 1991
Foreign Fishing Licences Levy Act, 1991
Fishing Levy Act, 1991
Fisheries Agreements (Payments) Act, 1991
Torres Strait Fisheries Act, 1984
Whale Protection Act, 1980

Cook Islands

Cook Islands Commercial Fishing Regulations, 1951
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979
Fisheries Protection Act, 1976
Fishing Ordinance, 1950
Territorial Sea and Exclusive Economic Zone Act, 1977

Federated States of Micronesia

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

Fiji

Fisheries Act, 1942
Fisheries Ordinance (Cap 135)
Fisheries Regulations (Cap 135)
Marine Spaces Act, 1978
Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

Kiribati

Fisheries Ordinance, 1979
Fisheries (Amendment) Act, 1984
Marine Zones (Declaration) Act, 1983

Marshall Islands

Title 33, Marine Resources Act, as amended by P.L. 1989-56, P.L. 1991-143 and P.L. 1992-25 of the Marshall Islands revised Code.

Nauru

Interpretation Act, 1971
Marine Resources Act, 1978

New Zealand

Antarctic Marine Living Resources Act, 1981
Continental Shelf Act, 1964
Conservation Act, 1987
Driftnet Prohibition Act, 1991
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978
Fishing Industry Board Act, 1963
Fisheries Act, 1983
Marine Mammals Protection Act, 1978
Marine Reserves Act, 1971
Marine Pollution Act, 1974
Meat Act, 1964
Territorial Sea and Exclusive Economic Zone Act, 1977
Tokelau (Territorial Sea and Exclusive Economic Zone) Act, 1977
Submarine Cables and Pipelines Protection Act, 1966
Sugar Loaf Islands Marine Protected Area Act, 1991
Wildlife Act, 1953

Niue

Cook Islands Commercial Fishing Regulations 1951
Niue Fish Protection Act 1965
Sunday Fishing Prohibition Act 1980
Territorial Sea and Exclusive Economic Zone Act 1977

Palau

Palau National Code, Title 27

Papua New Guinea

Fisheries Act (Cap 214)
Fisheries Regulations (Cap 214)
Fisheries (Torres Strait Protected Zone) Act, 1984
National Seas Act, (Cap 361)
Tuna Resources Management Act, (Cap 224)
Whaling Act (Cap 225)

Solomon Islands

Delimitation of Marine Waters Act, 1978
Fisheries Act, 1972
Fisheries Limits Act, 1977
Fisheries Regulations, 1972
Fisheries (Foreign Fishing Vessels) Regulations, 1981

Tonga

Fisheries Protection Act, 1973
Fisheries Regulation Act, 1923
Whaling Industry (Amendment) Act, 1979
Fisheries Act, 1989

Tuvalu

Fisheries Act (Cap 45)
Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1982
Marine Zones (Declaration) Act, 1983

Vanuatu

Fisheries Act 1982 (Cap 158)
Fisheries Regulations 1983
Maritime Zones Act 1981 (Cap 138)

Western Samoa

Exclusive Economic Zone Act, 1977
Territorial Sea Act, 1971
Fisheries Act, 1988

SCHEDULE 2
CLOSED AREAS

Australia All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25°30′ south with the point of intersection of the meridian of longitude 151° East by the outer limit of the AFZ and all waters south of the parallel of latitude 25°30′ South.

Cook Islands Territorial Sea

Federated States of Micronesia Three nautical mile territorial sea and nine nautical mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

DMAHTC NO 81019	(2nd. ed., Mar. 1945; revised 7\17\72. Corrected through NM 3\78 of June 21, 1978).
DMAHTC NO 81023	(3rd. ed., Aug. 7, 1976).
DMAHTC NO 81002	(4th. ed., Jan. 26, 1980; corrected through NM 4\80).

Fiji Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

Kiribati Within archipelagic waters as established in accordance with the Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial seas is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Marshall Islands 12 nautical mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Nauru The territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

New Zealand Territorial waters; waters within 6 nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° South latitude; all waters to east of New Zealand main islands south of 40° South latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve and one half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofo; and coordinates as follows:

Atafu:	3°35′10″S,	172°29′30″W
Nukunonu:	9°06′25″S,	171°52′10″W
	9°11′30″S,	171°47′00″W
Faka'ofo:	9°22′30″S,	171°16′30″W

Niue Territorial sea and within 3 nautical miles of Beveridge Reef, Antiope Reef and Haran Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

Palau Within 12 nautical miles of all island baselines in the Palau Islands; the area -

a) commencing at the north-easternmost intersection of the outer limit of the 12 nautical mile territorial sea of Palau by the arc of a circle having a radius of 50 nautical miles and its centre at Latitude 07°16′34″ North, Longitude 134°28′25″ East, being at about the centre of the reef entrance to Malakal Pass;

b) running thence generally south-easterly, southerly, south-westerly, westerly, north-westerly, northerly and north-easterly along that are to its intersection by the outer limit of the 12 nautical mile territorial sea; and

c) thence generally northerly, north-easterly, easterly, south-easterly and southerly along that outer limit to the point of commencement.

NOTE: Where for the purpose of this paragraph it is necessary to determine the position on the surface of the Earth of a point, line or area it shall be determined by reference to the World Geodetic System 1984, that is to say, by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,137 metres and a flattening of 1/298.2572.

Papua New Guinea In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians - from latitude 0°30′ South to latitude 3°30′ South, and from longitude 149° East to longitude 153° East.

Solomon Islands All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° East, 4°20′ South, then extending due south along 161° to a point 6°30′ South, then by a line extending due east to a point 165° East, then by a line due south to a point 8° South, then by a line due east to a point 169°55′ East.

Tonga All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty third and one half degrees of south latitudes and the one hundred and seventy third and the one hundred and seventy seventh degrees of west longitudes; also within a radius of twelve nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

Tuvalu Territorial sea and waters within two nautical miles of all named banks, i.e. Macau, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kindgom Hydrographic Department, Taunton, January 11, 1981.

Vanuatu Archipelagic waters and the territorial sea, and internal waters.

Western Samoa Territorial sea; reefs, banks, sea-mounts and within 2 nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical coordinates.

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty.

SCHEDULE 4
REPORTING DETAILS

PART 1
LICENSING AREA REPORTS TO THE ADMINISTRATOR

(a) Port departure and entry into port for unloading

(1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) port name

(7) catch on board by species (in short tons)

(8) intended action

as: LBEG (or LFIN) / RREG# / TBD / ddmmyy / TIME / CALL SIGN / PORT / SJ xxx YF yyy OTH zzz / INTENDED ACTION

(b) Weekly reports

(1) report type (WEEK)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch on board by weight by species

(8) intended action

as: WEEK / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / INTENDED ACTION

(c) Transhipment reports

(1) report type (TRANS)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch transferred by weight by species

(8) name of carrier/Freezer

(9) destination of catch

as: TRANS/ RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / CARRIER NAME / DESTINATION OF CATCH

PART 2
REPORTS TO NATIONAL AUTHORITIES

(a) Zone Entry and Exit

(1) report type (ZENT for entry and ZEXT for exit)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch on board by weight by species

(8) intended action

as: ZENT (or ZEXT) / RREG# / TBD / ddmmyy / TIME / CALL SIGN / TIME / LA 1111 LO 11111 / SJ xxx YF yyy OTH zzz / INTENDED ACTION

(b) Weekly Reports

(1) report type (WEEK)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch on board by weight by species

(8) intended action

as: WEEK / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / INTENDED ACTION

(c) Port Entry Reports

(1) report type (PENT)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch on board by weight by species

(8) estimated time of entry into port (GMT)

(9) port name

(10) intended action

as: PENT / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / ETA/ PORT NAME / INTENDED ACTION

(d) Transhipment reports

(1) report type (TRANS)

(2) Regional Register number

(3) Trip begin date

(4) date and time (GMT)

(5) international call sign

(6) position (to one minute of arc)

(7) catch transferred by weight by species

(8) name of carrier/Freezer

(9) destination of catch

as: TRANS / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / CARRIER NAME / DESTINATION OF CATCH

PART 3
OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

(a) Report of position and catch by species every day while within the Australian Fishing Zone;

(b) 24 hours of intention to enter the Australian Fishing Zone; and

2. Fiji

(a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and

(b) While in Fiji fisheries waters, weekly report of catch by species.

3. Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

4. New Zealand

(a) 24 hours notice of intention to enter New Zealand's exclusive economic zone giving notice of -

name and call sign of craft;
position of point of entry;
species, quantity and condition of catch on board.

(b) While in the New Zealand exclusive economic zone;

notification of daily noon positions, to be received no later than noon on the following day;

a weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on Monday to 2400 on the following Sunday and to be received by noon on the following Wednesday;

licensed craft are prohibited from transhipping within New Zealand fisheries waters, except at a port and time authorised by the Director General. 10 days notice of intention to tranship will be required.

(c) 24 hours notice of intention to exit New Zealand's exclusive economic zone giving notice of -

position at point of exit;
species, quantity and condition of catch on board.

5. Solomon Islands

Report on:

(a) Expected vessel position, date and time of entry at least 24 hours before entry in to the Solomon Islands Fishery Limits;

(b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and

(c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.

6. Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

7. Tuvalu

(a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:

(i) the name, call sign and country of registration of the vessel;

(ii) the license number;

(iii) position on entry; and

(iv) catch by species.

SCHEDULE 5
PURSE SEINE VESSEL CATCH REPORT FORM

SCHEDULE 6
PURSE SEINE UNLOADING AND TRANSHIPMENT LOGSHEET

MULTILATERAL TREATY ON FISHERIES BETWEEN PACIFIC ISLAND STATES AND THE UNITED STATES

D—0003

PURSE SEINE VESSEL—CATCH REPORT FORM *THIS FORM MUST BE COMPLETED IN INK IN THE ENGLISH LANGUAGE*

Vessel name.		Call sign:	License/permit no..	Departure From Port-Name:		DATE-YYMMDD:
Country of registration		Registration no.:	Name of Master:	Arrival at Port-Name:		DATE-YYMMDD:
Gross registered tonnage:	Helicopter make and no.:	Vessel trip no.:	Vessel Masters Signature:	No. of Crew.	MONTH.	YEAR.

DAY	NOON OR SET POSITION				School Type (code)	SET NO	TIME SET	SKIPJACK		YELLOWFIN		BIGEYE		OTHER SPECIES			WELL NO.	COMMENTS (code)	DISCARD						
	LAT		LONG																TUNA		MARLIN		OTHERS		REASON (code)
	DDMM	N S	DDDMM	E W				CATCH (st)	AVG. SIZE (lb)	CATCH (st)	AVG. SIZE (lb)	CATCH (st)	AVG. SIZE (lb)	SPECIES NAME	CATCH (st)	AVG. SIZE (lb)			Species	(st)	Species	No.	Species	(lbs)	

NUMERICAL EXPRESSION OF SCHOOL TYPE, COMMENTS, REASONS FOR DISCARD AND DETAILS OF TRANSSHIPMENT AT SEA, TRANSFER AND RECEIPT OF FISH.

SCHOOL TYPE (use code #)
1. Log
2. Foamer
3. Breezer
4. Whale
5. Porpoise
6. Raft
7. Other (Specify)
8. Boiler
9. Jumper

COMMENTS (use code #)
1. A full day in transit between fishing grounds to or from fishing grounds.
2. A full day not fishing due to breakdown.
3. A full day not fishing due to bad weather.
4. A full day searching for fish but no sets made.
5. Part of day searching for fish but no sets made.
6. Set unsuccessful for any reason, e.g. fish dive, roll up.
7. Transshipping at sea (Fill in details—)
8. Entering port. (Enter name)
9. Departing port. (Enter name)
10. Receiving/Transfer fish (Fill in details—)
11. Water Haul Set.

REASON FOR DISCARD (use code #)
1. Undesirable species.
2. Fish too small.
3. Vessel completely loaded.
4. Other reason-please specify_____

TRANSSHIPMENT

Position (Lat/Long):_____

To Vessel/Carrier Name:_____

Date:_____

Catch Unloaded (short tons)

Skipjack	Yellowfin	Bigeye	Well No.

(Destination of transshipped catch): _____

TRANSFER OR RECEIPT OF CATCH

(A) TRANSFER FISH to:

WELL or set #	Skipjack	Yellowfin	Bigeye

(B) RECEIPT OF FISH from:

WELL or set #	Skipjack	Yellowfin	Bigeye

SCHEDULE 6

PURSE SEINE TRANSHIPMENT AND OTHER UNLOADING LOGSHEET

TRIP NO: _____ TRIP COMMENCEMENT DATE: _____

VESSEL NAME: _____ RADIO CALL SIGN: _____

(1) PORT: _____

[OR POSITION: LAT _____ LONG _____]

(2) DATES
(a) AT UNLOADING POINT
ARRIVAL: _____ DEPARTURE: _____

(b) AT UNLOADING
COMMENCEMENT: _____ COMPLETION: _____

(3) PARTIAL OR COMPLETE UNLOADING _____

(4) UNLOADING TO: [(separate form to be completed for each transhipment/unloading recipient)]

(5) (a) CARRIER VESSEL NAME: _____

and RADIO CALL SIGN OR REGIONAL REGISTER NO: _____
or
(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH: _____

(6) [DESTINATION OF FISH] (FISH TO BE PROCESSED AT) _____
(separate form to be completed for each processing destination)

(7) QUANTITY UNLOADED [Enter quantity by size class in short tons]

	Quantity Accepted	Quantity Rejected	[Tranship Estimates]
Yellowfin	_____	_____	_____
Skipjack	_____	_____	_____
Bigeye	_____	_____	_____
Marlin	_____	_____	_____

Unit (eg tons)

(9) SIGNATURES

_____ _____
VESSEL MASTER RECEIVING AGENT

NB: An attachment to this form should include a signed copy of the size breakdown of catch as provided by the cannery.

ANNEX II

1. For the purposes of this Annex:

(a) "Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Schedule 2 for that Licensing Period in the manner described in that Schedule.

4. (a) The Administrator may suspend the good standing of a vessel on the Regional Register of Foreign Fishing Vessels where there is reasonable cause to believe that the vessel operator has violated the terms and conditions of access in Annex I including but not limited to:

(i) failing to report entry into and exit from Zones;

(ii) failing to report while in a Zone;

(iii) misreporting position and catch on board; or

(iv) improperly marking the vessel and gear.

(b) The administrator shall notify the Government of the United States and the operator not less than 30 days prior to the intended date of suspension of good standing. The notice shall include a statement of the facts which give reasonable cause to believe a violation has occurred, the corrective action required, and the effective date of the suspension of good standing; provided however that the corrective action required shall be limited to making the omitted report, correcting any misreporting, or correcting vessel markings or otherwise complying with the requirements of Annex I.

(c) If the corrective action is taken within 30 days, the Administrator shall not suspend good standing.

(d) Upon satisfactory completion of the required corrective action, the Administrator shall immediately reinstate the good standing of the vessel.

(e) Any fishing vessel of the United States in respect of which good standing has been suspended shall not be eligible to receive a new licence upon the expiration of the current licence, until notified by the Administrator that good standing has been reinstated.

5. Subject to paragraph 6, a licence may be denied:

(a) where the application is not in accordance with the requirements of paragraph 2;

(b) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;

(c) where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:

(i) good standing is withdrawn only as a result of:

(A) the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgment rendered with respect to such an offence;

(B) evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or

(C) the vessel operator has failed to comply with the annual registration and information requirements for registration as notified by the Administrator to the Government of the United States;

(D) the failure to satisfactorily complete the required corrective action of all outstanding requests, as a result of which the good standing of a vessel has continued in suspension for a period of more than 12 months;

(ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;

(iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and

(iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;

(d) where there has been a failure to satisfy a final judgment or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgment or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or

(e) where an operator has committed, or the vessel has been used for:

(i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or

(ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

6. Without prejudice to their rights under Paragraph 4 of Article 4 of the Treaty, the Pacific Island Parties shall consider notifying the Government of the United States of any alleged infringements of the Treaty by vessels of the United States 30 days prior to requesting an investigation under Paragraph 4 of Article 4 of the Treaty. The Government of the United States shall inquire into the allegation. As appropriate, the Government of the United States, the operator concerned, the Administrator and the Pacific Island Party concerned may engage in consultations with a view to settling the matter.

7. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

8. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

(a) a licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or

(b) a statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application;

is promptly provided to the Government of the United States.

SCHEDULE 2
PAYMENTS AND REVIEW

1. The following amounts are payable annually for a period of ten (10) years pursuant to paragraph 3 of Annex II -

   (a) an annual industry payment of US$4 million, which shall cover -

      (i) licence fees for up to 55 vessels as set forth in paragraph 2 below; and

      (ii) technical assistance;

   (b) costs to be paid by the industry for the observer programme set forth in Part 7 of Annex I; and

   (c) sums pursuant to the related agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

2. During each licensing period, the Administrator shall make available a maximum of 55 licences to fishing vessels of the United States for fishing in the Licensing Area. Any licences issued beyond 50 shall only be available to fishing vessels of the United States engaged in fishing activity designed to advance broader cooperation with the Pacific Island parties as envisaged under Article 2. If the Administrator does not receive applications for the maximum of 55 licences during any of the first three licensing periods, the Pacific Island parties reserve the right at the end of the third licensing period to review the allocation of licences beyond 50 for the remaining licensing periods.

3. Prior to the beginning of the sixth licensing period, the Parties shall review the number of licences to be issued, the licence fees and any other issues which may be identified during the preceding Annual Consultations. During such review, the Parties shall determine the number of licences and the licence fees for the second five-year period. Any agreed changes in the number of licences or licence fees shall be reflected in the annual industry payment.

Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific Ocean, Wellington, 1989

Done at Wellington 24 November 1989

Entered into force 17 May 1991

Depositary: New Zealand

Primary source citation: Senate Treaty Document 102-7, 102d Congress, 1st Session, U.S. Government Printing Office, Washington, 1991

CONVENTION FOR THE PROHIBITION OF FISHING WITH LONG DRIFTNETS IN THE SOUTH PACIFIC OCEAN

Article 1

DEFINITIONS

For the purposes of this Convention and its Protocols:

(a) the "Convention Area",

(i) subject to sub-paragraph (ii) of this paragraph, shall be the area lying within 10 degrees North latitude and 50 degrees South latitude and 130 degrees East longitude and 120 degrees West longitude, and shall also include all waters under the fisheries jurisdiction of any Party to this Convention.

(ii) In the case of a State or Territory which is Party to the Convention by virtue of paragraph 1(b) or 1(c) of Article 10, it shall include only waters under the fisheries jurisdiction of that Party, adjacent to the Territory referred to in paragraph 1(b) or 1(c) of Article 10;

(b) "driftnet" means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water;

(c) "driftnet fishing activities" means:

(i) catching, taking or harvesting fish with the use of a driftnet;

(ii) attempting to catch, take or harvest fish with the use of a driftnet;

(iii) engaging in any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish with the use of a driftnet, including searching for and locating fish to be taken by that method;

(iv) any operations at sea in support of, or in preparation for any activity described in this paragraph, including operations of placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(v) aircraft use, relating to the activities described in this paragraph, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; or

(vi) transporting, transhipping and processing any driftnet catch, and cooperation in the provision of food, fuel and other supplies for vessels equipped for or engaged in driftnet fishing;

(d) the "FFA" means the South Pacific Forum Fisheries Agency; and

(e) "fishing vessel" means any vessel or boat equipped for or engaged in searching for, catching, processing or transporting fish or other marine organisms.

Article 2

MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and vessels documented under its laws from engaging in driftnet fishing activities within the Convention Area.

Article 3

MEASURES AGAINST DRIFTNET FISHING ACTIVITIES

(1) Each Party undertakes:

(a) not to assist or encourage the use of driftnets within the Convention Area; and

(b) to take measures consistent with international law to restrict driftnet fishing activities within the Convention Area, including but not limited to:

(i) prohibiting the use of driftnets within areas under its fisheries jurisdiction; and

(ii) prohibiting the transhipment of driftnet catches within areas under its jurisdiction.

(2) Each Party may also take measures consistent with international law to:

(a) prohibit the landing of driftnet catches within its territory;

(b) prohibit the processing of driftnet catches in facilities under its jurisdiction;

(c) prohibit the importation of any fish or fish product, whether processed or not, which was caught using a driftnet;

(d) restrict port access and port servicing facilities for driftnet fishing vessels; and

(e) prohibit the possession of driftnets on board any fishing vessel within areas under its fisheries jurisdiction.

(3) Nothing in this Convention shall prevent a Party from taking measures against driftnet fishing activities which are stricter than those required by the Convention.

Article 4

ENFORCEMENT

(1) Each Party shall take appropriate measures to ensure the application of the provisions of this Convention.

(2) The Parties undertake to collaborate to facilitate surveillance and enforcement of measures taken by Parties pursuant to this Convention.

(3) The Parties undertake to take measures leading to the withdrawal of good standing on the Regional Register of Foreign Fishing Vessels maintained by the FFA against any vessel engaging in driftnet fishing activities.

Article 5

CONSULTATION WITH NON-PARTIES

(1) The Parties shall seek to consult with any State which is eligible to become a Party to this Convention on any matter relating to driftnet fishing activities which appear to affect adversely the conservation of marine living resources within the Convention Area or the implementation of the Convention or its Protocols.

(2) The Parties shall seek to reach agreement with any State referred to in paragraph 1 of this Article, concerning the prohibitions established pursuant to Articles 2 and 3.

Article 6

INSTITUTIONAL ARRANGEMENTS

(1) The FFA shall be responsible for carrying out the following functions:

(a) the collection, preparation and dissemination of information on driftnet fishing activities within the Convention Area;

(b) the facilitation of scientific analyses on the effects of driftnet fishing activities within the Convention Area, including consultations with appropriate regional and international organisations; and

(c) the preparation and transmission to the Parties of an annual report on any driftnet fishing activities within the Convention Area and the measures taken to implement this Convention or its protocols.

(2) Each Party shall expeditiously convey to the FFA:

(a) information on the measures adopted by it pursuant to the implementation of the Convention; and

(b) information on, and scientific analyses on the effects of, driftnet fishing activities relevant to the Convention Area.

(3) All Parties, including States or Territories not members of the FFA and the FFA shall cooperate to promote the effective implementation of this Article.

Article 7

REVIEW AND CONSULTATION AMONG PARTIES

(1) Without prejudice to the conduct of consultations among Parties by other means, the FFA, at the request of three Parties, shall convene meetings of the Parties to review the implementation of this Convention and its Protocols.

(2) Parties to the Protocols shall be invited to any such meeting and to participate in a manner to be determined by the Parties to the Convention.

Article 8

CONSERVATION AND MANAGEMENT MEASURES

Parties to this Convention shall cooperate with each other and with appropriate distant water fishing nations and other entities or organisations in the development of conservation and management measures for South Pacific albacore tuna within the Convention Area.

Article 9

PROTOCOLS

This Convention may be supplemented by Protocols or associated instruments to further its objectives.

Article 10

SIGNATURE, RATIFICATION AND ACCESSION

(1) This Convention shall be open for signature by:

(a) any member of the FFA; and

(b) any State in respect of any Territory situated within the Convention Area for which it is internationally responsible; or

(c) any Territory situated within the Convention Area which has been authorised to sign the Convention and to assume rights and obligations under it by the Government of the State which is internationally responsible for it.

(2) This Convention is subject to ratification by members of the FFA and the other States and Territories referred to in paragraph 1 of this Article. The instruments of ratification shall be deposited with the Government of New Zealand which shall be the Depositary.

(3) This Convention shall remain open for accession by the members of the FFA and the other States and Territories referred to in paragraph 1 of this Article. The instruments of accession shall be deposited with the Depositary.

Article 11

RESERVATIONS

This Convention shall not be subject to reservations.

Article 12

AMENDMENTS

(1) Any Party may propose amendments to this Convention.

(2) Amendments shall be adopted by consensus among the Parties.

(3) Any amendments adopted shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

(4) An amendment shall enter into force thirty days after receipt by the Depositary of instruments of ratification, approval or acceptance from all Parties.

Article 13

ENTRY INTO FORCE

(1) This Convention shall enter into force on the date of deposit of the fourth instrument of ratification or accession.

(2) For any member of the FFA or a State or Territory which ratifies or accedes to this Convention after the date of deposit of the fourth instrument of ratification or accession, the Convention shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 14

CERTIFICATION AND REGISTRATION

(1) The original of this Convention and its Protocols shall be deposited with the Depositary, which shall transmit certified copies to all States and Territories eligible to become Party to the Convention and to all States eligible to become Party to a Protocol to the Convention.

(2) The Depositary shall register this Convention and its Protocols in accordance with Article 102 of the Charter of the United Nations.

DONE at Wellington this twenty-fourth day of November 1989 in the English and French languages, each text being equally authentic.

Protocol I to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific Ocean, Noumea, 1990

Done at Noumea 20 October 1990

*Entered into force for the United States 28 February 1992**

Primary source citation: Senate Treaty Document 102-7, 102d Congress, 1st Session, U.S. Government Printing Office, Washington, 1991

PROTOCOL 1

The Parties to this Protocol,

NOTING the provisions of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific ("the Convention") HAVE AGREED as follows:

Article 1

APPLICATION OF THE CONVENTION

Nothing in this Protocol shall affect or prejudice the views or positions of any Party with respect to the law of the sea.

Article 2

MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and fishing vessels documented under its laws from using driftnets within the Convention Area.

Article 3

TRANSMISSION OF INFORMATION

Each Party shall expeditiously convey to the FFA:

(a) information on the measures adopted by it pursuant to the implementation of this Protocol; and

* This Protocol shall enter into force for each State on the date of deposit of its instrument of ratification.

(b) information on, and scientific analyses on the effects of, driftnet fishing activities relevant to the Convention Area.

Article 4

CONSERVATION AND MANAGEMENT MEASURES

Parties to this Protocol shall cooperate with Parties to the Convention in the development of conservation and management measures for South Pacific albacore tuna within the Convention Area.

Article 5

ENFORCEMENT

Each Party shall take appropriate measures to ensure the application of the provisions of this Protocol.

Article 6

WITHDRAWAL

At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notice to the Depositary. The Depositary shall immediately inform all Parties to the Convention or its Protocols of receipt of a withdrawal notice. Withdrawal shall take effect one year after receipt of such notice by the Depositary.

Article 7

FINAL CLAUSES

(1) This Protocol shall be open for signature by any State whose nationals or fishing vessels documented under its laws fish within the Convention Area or by any other State invited to sign by the Parties to the Convention.

(2) This Protocol shall be subject to ratification. Instruments of ratification shall be deposited with the Government of New Zealand, which shall be the Depositary.

(3) This Protocol shall enter into force for each State on the date of deposit of its instrument of ratification with the Depositary.

(4) This Protocol shall not be subject to reservations.

DONE at Noumea this twentieth day of October 1990.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol II to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific Ocean, Noumea, 1990

Done at Noumea 20 October 1990

Not in force

Primary source citation: 29 ILM 1463 (1990)

PROTOCOL II

The Parties to this Protocol,

NOTING the provisions of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific ("the Convention")

HAVE AGREED as follows:

Article 1

APPLICATION OF THE CONVENTION

Nothing in this Protocol shall affect or prejudice the views or positions of any Party with respect to the law of the sea.

Article 2

MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and fishing vessels documented under its laws from using driftnets within the Convention Area.

Article 3

MEASURES AGAINST DRIFTNET FISHING ACTIVITIES

(1) Each Party undertakes:

(a) not to assist or encourage the use of driftnets within the Convention Area; and

(b) to take measures consistent with international law to restrict driftnet fishing activities, including but not limited to:

(i) prohibiting the use of driftnets within areas under its fisheries jurisdiction; and

(ii) prohibiting the transhipment of driftnet catches within areas under its jurisdiction.

(2) Each Party may also take measures consistent with international law to:

(a) prohibit the landing of driftnet catches within its territory;

(b) prohibit the processing of driftnet catches in facilities under its jurisdiction;

(c) prohibit the importation of any fish or fish product, whether processed or not, which was caught using a driftnet;

(d) restrict port access and port servicing facilities for driftnet fishing vessels; and

(e) prohibit the possession of driftnets on board any fishing vessel within areas under its fisheries jurisdiction.

(3) Nothing in this Protocol shall prevent a Party from taking measures consistent with international law against driftnet fishing activities which are stricter than those required by the Protocol.

Article 4

TRANSMISSION OF INFORMATION

Each Party shall expeditiously convey to the FFA:

(a) information on the measures adopted by it pursuant to the implementation of this Protocol; and

(b) information on, and scientific analyses on the effects of, driftnet fishing activities relevant to the Convention Area.

Article 5

ENFORCEMENT

Each Party shall take appropriate measures to ensure the application of the provisions of this Protocol.

Article 6

WITHDRAWAL

At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notice to the Depositary. The Depositary shall immediately inform all Parties to the Convention or its Protocols of receipt of a withdrawal notice. Withdrawal shall take effect one year after receipt of such notice by the Depositary.

Article 7

FINAL CLAUSES

(1) This Protocol shall be open for signature by any State the waters under the jurisdiction of which are contiguous with or adjacent to the Convention Area or by any other State invited to sign by the Parties to the Convention.

(2) This Protocol shall be subject to ratification. Instruments of ratification shall be deposited with the Government of New Zealand, which shall be the Depositary.

(3) This Protocol shall enter into force for each State on the date of deposit of its instruments of ratification with the Depositary.

(4) This Protocol shall not be subject to reservations.

DONE at Noumea this twentieth day of October 1990.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, Moscow, 1992

Done at Moscow 11 February 1992

*Entered into force 16 February 1993**

Depositary: Russian Federation

Primary source citation: Senate Treaty Document 102-30, 102d Congress, 2d Session, U.S. Government Printing Office, Washington, 1992

Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean

The Parties to this Convention:

Recognizing that anadromous stocks in the North Pacific Ocean originate primarily in the waters of Canada, Japan, the Russian Federation and the United States of America;

Recognizing that these stocks intermingle in certain areas of the North Pacific Ocean;

Recognizing the States in whose waters anadromous stocks originate have the primary interest in and responsibility for such stocks;

Recognizing that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured;

Recognizing that States of origin of anadromous stocks make expenditures and forego economic development opportunities to establish favourable conditions to conserve and manage those stocks;

Emphasizing the importance of scientific research for the conservation of anadromous stocks in the North Pacific Ocean;

Desiring to promote the acquisition, analysis and dissemination of scientific information pertaining to anadromous stocks and ecologically related species in the North Pacific Ocean;

Desiring to coordinate efforts to conserve anadromous stocks in the North Pacific Ocean; and

Desiring to establish an effective mechanism of international cooperation to promote the conservation of anadromous stocks in the North Pacific Ocean;

Have agreed as follows:

*This Convention replaces the 1952 International Convention for the High Seas Fisheries of the North Pacific Ocean (see page 1183), which was terminated on 21 February 1993.

ARTICLE I

The area to which the Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. It is understood that activities under this Convention, for scientific purposes, may extend farther southward in the North Pacific Ocean and its adjacent seas in areas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

ARTICLE II

For the purposes of this Convention:

1. "Anadromous fish" means the fish of anadromous species listed in Part I of the Annex which migrate into the Convention Area, and "anadromous stocks" means the stocks thereof.

2. "Fish" means finfish, mollusks, crustaceans and all other forms of marine animal and plant life other than marine mammals and birds.

3. "Fishing" means:

(a) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(b) any operation at sea in preparation for or in direct support of any activity described in sub-paragraph (a) above.

4. "Directed fishing" means fishing targeted at a particular species or stock of fish.

5. "Incidental taking" means catching, taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.

6. "Ecologically related species" means living marine species which are associated with anadromous stocks found in the Convention Area, including but not restricted to both predators and prey of anadromous stocks.

7. "Original Parties" means those States listed in paragraph 1 of Article XVII of this Convention, so long as such States are Parties to this Convention.

ARTICLE III

1. In the Convention Area.

(a) directed fishing for anadromous fish shall be prohibited.

(b) incidental taking of anadromous fish shall be minimized to the maximum extent practicable in accordance with Part II of the Annex.

(c) the retention on board a fishing vessel of anadromous fish taken as an incidental taking in a fishing activity directed at non-andromous fish shall be prohibited and any such anadromous fish shall be returned immediately to the sea.

2. The provisions of paragraph 1 of this Article shall not apply to fishing for scientific research purposes in accordance with Article VII of this Convention.

3. The Parties shall take appropriate measures, individually and collectively, in accordance with international law and their respective domestic laws, to prevent trafficking in anadromous fish taken in violation of the prohibitions provided for in this Convention, and to penalize persons involved in such trafficking.

ARTICLE IV

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect adversely the conservation of anadromous stocks within the Convention Area.

2. The Parties agree to encourage any State or entity not party to this Convention to adopt laws and regulations consistent with the provisions of this Convention in regard to fishing operations conducted by its nationals, residents or vessels and to cooperate in the attainment of the objectives of this Convention.

3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purposes of avoiding compliance with the provisions of this Convention.

4. The Parties shall cooperate in taking action, consistent with international law and their respective domestic laws, for the prevention by any State or entity not party to this Convention of any directed fishing for, and the minimization by such State or entity of any incidental taking of, anadromous fish by nationals, residents or vessels of such State or entity in the Convention Area.

ARTICLE V

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention.

2. Any Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:

(a) The duly authorized officials of any Party may board vessels of the other Parties which can be reasonably believed to be engaged in directed fishing for or incidental taking of anadromous fish to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention. Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Party to which the official belongs shall notify promptly the Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such arrest or seizure within the Convention Area, or within any convenient port which has been previously identified by the notifying Party in a communication to the other Parties to this Convention and to which there has been no objection within sixty (60) days of receipt of the communication, until the authorized officials of the Party to which such person or vessel belongs accept delivery.

(c) When the Party which receives such notification accepts delivery, the authorized officials of that Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trail, with respect to the offense. They shall also take, for the remainder of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is

prevented from conducting further operations in violation of the provisions of this Convention. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Convention Area.

(d) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Party having jurisdiction to try the offense and shall be taken into account, and utilized as appropriate, by the executive authority of the Party having jurisdiction to try the offense. Penalties provided for in the relevant laws and regulations of the Parties to this Convention shall be commensurate with the serious nature of the infractions, taking into account the proposals made by the Commission pursuant to paragraph 3 of Article IX.

3. The Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections of such vessels carried out in accordance with the provisions of paragraph 2 of this Article by the duly authorized officials of any Party, and cooperate in such enforcement action as may be undertaken.

ARTICLE VI

1. The Parties shall cooperate in the exchange of information on any activities contrary to the provisions of this Convention.

2. The Parties shall cooperate in the exchange of information on enforcement action regarding anadromous fish taken contrary to the provisions of this Convention, and on the disposition of cases.

3. The Parties shall cooperate to exchange information regarding any directed fishing for and any incidental taking of anadromous fish in the Convention Area by nationals, residents and vessels of any State or entity not party to this Convention.

ARTICLE VII

1. The Parties shall cooperate in the conduct of scientific research in the North Pacific Ocean and its adjacent seas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of the conservation of anadromous stocks including, as appropriate, scientific research on other ecologically related species.

2. With respect to fisheries and scientific research in the Convention Area, the Parties shall cooperate, as appropriate, in collecting, reporting and exchanging biostatistical information, fisheries data, including catch and fishing effort statistics, biological samples and other relevant data pertinent to the purposes of this Convention.

3. Notwithstanding the provisions of Article 1, the Parties shall provide the Commission, upon its request, catch information, enhancement information, materials such as biological samples and other technical data or information related to anadromous stocks and ecologically related species, pertaining to areas adjacent to the Convention Area from which anadromous stocks migrate into the Convention Area.

4. The Parties shall develop appropriate cooperation programs, including scientific observer programs, to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically related species.

5. The Parties shall endeavour to cooperate in scientific exchanges such as seminars, workshops and, as appropriate, exchanges of scientific personnel necessary to achieve the objectives of this Convention.

6. The Parties shall submit to the Commission scientific research programs to be conducted by their nationals or vessels involving directed fishing for, or incidental takes of significant levels of, anadromous fish in the Convention Area sufficiently in advance of the conduct of such research to allow appropriate scientific review by all

Parties. If all parties that are States of origin, except for the requesting Party, notify the Commission within thirty (30) days of their receipt of the program from the Commission that they regard the fishing involved in such program to be a violation of paragraph 1 (a) or (b) of Article III, the program shall not be implemented pending a decision by the Commission.

7. The Parties agree that the taking of anadromous fish for scientific research purposes must be consistent with the needs of a scientific program and with the provisions of this Convention. The catches of anadromous fish taken in conjunction with any scientific research in the Convention Area should be reported to the Commission within nine months.

ARTICLE VIII

1. There is hereby established an international organization that shall be known as the North Pacific Anadromous Fish Commission, hereinafter referred to as the "Commission."

2. The objective of the Commission is to promote the conservation of anadromous stocks in the Convention Area.

3. The Commission may consider matters related to the Conservation of ecologically related species in the Convention Area.

4. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

5. The headquarters of the Commission shall be located at Vancouver, Canada, or at such other location as may be decided by the Commission.

6. The official languages of the Commission shall be English, Japanese and Russian.

7. Each Party shall be a member of the Commission and may appoint to the Commission not more than three representatives who may be accompanied at the meetings of the Commission by experts and advisers.

8. The Commission shall establish such subordinate bodies as it deems necessary.

9. The Commission shall establish a Secretariat composed of an Executive Director and appropriate staff.

10. Each Party shall have one vote in the Commission.

(a) Decisions of the Commission on all important matters shall be taken by consensus among all Parties that are States of origin of anadromous stocks which migrate into the Convention Area.

(b) Decisions of the Commission on all other matters shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.

(c) A matter shall be deemed to be important if any Party that is a State of origin of anadromous stocks which migrate into the Convention Area considers it to be important.

11. The Commission shall elect a President and a Vice-President, each of whom shall serve for a term of two years. They shall be eligible for re-election, provided that they shall not serve for more than four years in succession in each office. The President and the Vice-President shall not be representatives of the same Party.

12. The President of the Commission shall convene the regular annual meeting of the Commission at the headquarters of the Commission or at such other location as may be decided by the Commission.

13. The Commission shall meet at least once annually, the time and place to be determined by the Commission.

14. Any meeting of the Commission other than the regular annual meeting may be called by the President at such time and place as the President may determine, upon the request of a Party with the concurrence of another Party, provided that at least one of these two Parties is one of the Original Parties.

15. The Commission shall adopt its rules of procedure.

16. The Commission shall adopt its financial rules.

ARTICLE IX

The Commission shall have the authority to:

1. recommend to the Parties measures for the conservation of anadromous stocks and ecologically related species in the Convention Area;

2. promote the exchange of information on any activities contrary to the provisions of this Convention, especially with respect to fishing for and trafficking in anadromous fish contrary to the provisions of Article III, as well as on responsive action taken by the Parties and, as appropriate by any State or entity not party to this Convention;

3. consider and make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the provisions of this Convention;

4. consider possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention and, for that purpose, develop methods to identify the origin of fish which may be taken in violation of this Convention;

5. review and evaluate enforcement actions taken by the Parties in accordance with Article V, and recommend additional action to be taken by the Parties to ensure effective and diligent enforcement of the provisions of this Convention;

6. promote the exchange of catch and effort information in respect of activities of Parties and, as appropriate, any State or entity not party to this Convention for conducting scientific research and for coordinating the collection, exchange and analysis of scientific data regarding anadromous stocks and ecologically related species, including data to identify the location of origin of anadromous stocks, and provide a forum for cooperation among the Parties with respect to such anadromous stocks and ecologically related species;

7. consider and make proposals to the Parties for the enactment of a program for certificates of origin attesting that products of anadromous fish are from fish which were lawfully harvested;

8. make recommendations to any Part with respect to scientific research activities within the Convention Area related to anadromous stocks and, as appropriate, ecologically related species;

9. cooperate, as appropriate, with relevant international organizations, *inter alia*, to obtain the best available information, including scientific advice, to further the attainment of the objectives of this Convention;

10. where appropriate, invite any State or entity not party to this Convention to consult with the Commission with respect to matters relating to the conservation of anadromous stocks and ecologically related species in the Convention Area;

11. recommend amendments to this Convention and to the Annex to this Convention;

12. recommend measures to avoid or reduce incidental taking of anadromous fish in the Convention Area; and

13. recommend to the Parties any measures needed to further the attainment of the objectives of this Convention.

ARTICLE X

1. The Executive Director shall be appointed by the Commission and shall oversee the work of the Secretariat.

2. The Secretariat shall:

(a) provide administrative services to the Commission;

(b) compile and disseminate statistics and reports concerning anadromous stocks relevant to this Convention and ecologically related species; and

(c) perform such functions as follow from other provisions of this Convention or as the Commission may determine.

3. The conditions of employment of the Executive Director and staff shall be determined by the Commission.

4. The Executive Director shall appoint the Secretariat staff in accordance with staffing requirements approved by the Commission.

ARTICLE XI

1. Each Party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the Parties.

2. The Commission shall adopt an annual budget. The Executive Director shall transmit a draft budget to the Parties together with a schedule of contributions not later than sixty (60) days before the meeting of the Commission at which the budget is to be considered.

3. The budget shall be divided equally among the Parties.

4. The Executive Director shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification, in the currency of the State in which the Commission headquarters are located.

5. A Party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in paragraph 10 of Article VIII until it has fulfilled its obligations.

6. The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

ARTICLE XII

1. Any Party may at any time propose an amendment to this Convention other than the Annex.

2. If one-third of the Parties request a meeting to discuss the proposed amendment referred to in paragraph 1 of this Article, the Depositary shall call such a meeting.

3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

ARTICLE XIII

1. The Annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the Annex.

2. The Annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties that are States of origin of anadromous stocks which migrate into the Convention Area of a proposed amendment to the Annex recommended by the Commission in accordance with paragraph 11 of Article IX.

(a) An amendment to the Annex shall enter into force for Parties that are States of origin of anadromous stocks which migrate into the Convention Area on the date upon which the Commission receives notification from all such Parties of their acceptance of the amendment.

(b) In the event that a Party that is not a State of origin has accepted an amendment to the Annex by the date referred to in sub-paragraph (a), it shall enter into force for that Party on that date. If a Party that is not a State of origin accepts an amendment to the Annex after the date referred to in sub-paragraph (a), it shall enter into force for that Party on the date upon which the Commission receives notification of its acceptance of the amendment.

3. The Commission shall notify all the Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE XIV

Any Party may withdraw from this Convention twelve (12) months after the date on which it formally notifies the Depositary of its intention to withdraw.

ARTICLE XV

Nothing in this Convention shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party as well as its positions or views with respect to matters relating to the law of the sea.

ARTICLE XVI

The original of this Convention shall be deposited with the Government of the Russian Federation, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other Signatories and acceding States.

ARTICLE XVII

1. This Convention shall be open for signature by Canada, Japan, the Russian Federation and the United States of America, which are the major States of origin of anadromous stocks which migrate into the Convention Area.

2. This Convention is subject to ratification, acceptance or approval by these four States in accordance with their respective internal legal procedures, and will enter into force ninety (90) days after the date of deposit of the fourth instrument of ratification, acceptance or approval.

ARTICLE XVIII

After the entry into force of this Convention, at the invitation of the Original Parties by unanimous agreement, other States may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Moscow, on the eleventh day of February, 1992, in a single original, in the English, French, Japanese and Russian languages, each text being equally authentic.

ANNEX

I. SPECIES

Chum salmon—*Oncorhynchus keta*
Coho salmon—*Oncorhynchus kisutch*
Pink salmon—*Oncorhynchus gorbuscha*
Sockeye salmon—*Oncorhynchus nerka*
Chinook salmon—*Oncorhynchus tshawytscha*
Cherry salmon—*Oncorhynchus masou*
Steelhead trout—*Oncorhynchus mykiss*

II. INCIDENTAL TAKING

1. Fisheries for non-anadromous fish shall be conducted in such times, areas and manners as to minimize the incidental taking of anadromous fish to the maximum extent practicable to reduce such incidental taking to insignificant levels.

2. When two or more Parties notify the Commission established under Article VIII that they believe a fishery is being conducted by nationals or vessels of a Party in the Convention Area contrary to this Annex, the Commission shall convene a special meeting to consider the matter as soon as possible. The Parties who have notified the Commission shall be responsible for presenting the information on which they based such notification. The Party whose nationals or vessels are conducting the fishery in question shall be responsible for demonstrating that the fishery is not being conducted contrary to this Annex. If the Commission decides that a satisfactory demonstration has not been made, the fishery shall be suspended until it is demonstrated that the fishery will be conducted consistent with this Annex.

Agreement to Reduce Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery, La Jolla, 1992

Done at La Jolla 23 April 1992

Entered into force 23 April 1992

Primary source: Copy of text provided by the Inter-American Tropical Tuna Commission

AGREEMENT

The governments listed in Appendix I recall and reaffirm the resolution adopted during a Special Meeting of the Inter-American Tropical Tuna Commission (IATTC) held in La Jolla, California, on April 21-23, 1992, to adopt a multilateral program with the objectives of (1) progressively reducing dolphin mortality in the eastern Pacific Ocean (EPO) fishery to levels approaching zero through the setting of annual limits and (2), with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tuna not in association with dolphins while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year, and to limit and, if possible, eliminate the mortality of dolphins in the fishery of the EPO as follows:

Year	Limit	Percentage of best estimate of current populations of spotted, spinner, and common dolphins
1993	19,500	0.30
1994	15,500	0.24
1995	12,000	0.19
1996	9,000	0.14
1997	7,500	0.11
1998	6,500	0.10
1999	<5,000	<0.08

The IATTC further resolved to establish a Review Panel to review and report on the compliance of the international fleet with the mortality limits set forth above, and make recommendations as appropriate, and to establish within the IATTC an Advisory Board of technical specialists from the international communities of scientists, government agencies, environmental groups, and the fishing industry, to assist the Director of the IATTC in efforts to coordinate, facilitate, and guide research.

Therefore:

The governments listed in Appendix I agree that:

1. Each government that is a party to this Agreement ("the participating governments") shall, on or before October 1, 1992, provide to the Director of the IATTC a list of purse-seine vessels of carrying capacity greater than 400 short tons under its jurisdiction which such government has reasonable cause to believe will set on tunas associated with dolphins in the EPO in 1993 and for each of which the government wishes to have a Dolphin Mortality Limit (DML) assigned for that year.

2. The Review Panel to be established in accordance with the Resolution of April 1992, whose duties, functions, and responsibilities are defined in Appendix II, shall, by November 1, 1992, assign a DML to each vessel that it determines to be "qualified" for a DML in accordance with Paragraph 1 ("qualified vessels"). For 1993, each DML shall be equivalent to 19,500 divided by the total number of qualified vessels.

3. A participating government may thereafter adjust the DMLs of its qualified vessels either upward or downward, provided that no vessel is assigned an adjusted DML in excess of 15 percent above the original DML and that the collective DMLs for that nation's fleet do not exceed that nation's collective DMLs prior to adjustment. Any such adjustment shall be made prior to December 1, 1992. Each government shall notify the IATTC of any such adjustments on or before December 15, 1992. DMLs that are assigned as of December 1, 1992, shall be applied during 1993.

4. Any vessel assigned a DML for 1993 which does not utilize any of its DML by June 1, 1993, or which leaves the fishery, shall lose its right to utilize its DML for the remainder of the year. The IATTC shall maintain records of all such unutilized DMLs.

5. Each participating government shall, on or before April 1, 1993, provide to the Director of the IATTC the names of purse-seine vessels which were not assigned a DML under Paragraph 2 and to which it wishes to have a DML assigned for the last six months of 1993. All such vessels which are qualified shall be assigned DMLs by the Director of the IATTC, after consultation with the voting members of the Review Panel, as soon as possible after June 1, 1993. The DML shall be calculated by dividing the sum of the unutilized DMLs by the total number of such applications, provided that the DML for any such vessel shall not exceed one-half of the DML calculated in accordance with Paragraph 2.

6. For any vessel exceeding its DML during 1993, the amount of its excess shall be deducted from the DML assigned to that vessel during 1994 and, if the excess in 1993 exceeds the 1994 DML, then such excess shall be deducted from the DMLs subsequent to 1994, as appropriate.

7. Only vessels operating under the jurisdiction of participating governments or under the jurisdiction of the governments of IATTC member countries are eligible for DMLs.

8. Compliance with the total EPO dolphin mortality limits for the years 1994 through 1999 shall be ensured through the mechanisms set forth above for 1993, with any necessary modifications.

9. The participating governments shall review and assess the 1993 compliance mechanisms prior to July 1, 1993.

10. Measures shall be taken with respect to management of individual stocks of dolphins in accordance with Appendix III.

11. The Scientific Advisory Board of technical experts to coordinate, facilitate, and guide research in accordance with the Resolution of April 1992 shall be established and operate as outlined in Appendix IV.

12. The participating governments shall require purse-seine vessels of carrying capacity greater than 400 short tons under their jurisdiction which operate in the EPO to carry an observer during each fishing trip in 1993. At least 50 percent of the observers shall be from the observer program of the IATTC.

13. The participating governments shall permit observers to collect all pertinent information necessary to achieve the objectives of this Agreement.

14. The participating governments shall require observers to inform the fishing captain of the vessel upon which he is observing when the DML is reached and when fishing by that vessel for yellowfin tuna in association with dolphins should cease.

15. The participating governments shall require that a vessel shall cease fishing on dolphins in the EPO when its DML has been reached.

The participating governments recommend that all IATTC member countries and other states party to this Agreement work diligently to achieve the objectives of this Agreement and particularly strive to undertake measures to insure that states not currently party to this Agreement, but which have vessels capable of and intending to fish for tunas in association with dolphins in the eastern Pacific Ocean subscribe to the Agreement.

APPENDICES

Appendix I.

Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Spain, the United States of America, Vanuatu, Venezuela.

Appendix II.

THE REVIEW PANEL

I. OBJECTIVES

This Review Panel is established as recommended by the Resolution approved at the Special Meeting of the IATTC held on April 21-23, 1992, to review and report on the compliance of the international fleet with the mortality limits set forth and to make recommendations as appropriate.

II. FUNCTIONS AND RESPONSIBILITIES

The Review Panel shall:

1. Compile each year a list of vessels qualified for Dolphin Mortality Limits (DML) and assign DMLs for each year from 1993 through 1999.

2. Review all trips made in the eastern Pacific Ocean by purse-seine vessels of fish-carrying capacity greater than 400 short tons.

3. Identify all infractions of agreements concerning dolphin mortality, including this Agreement, and a Resolution passed at the 50th Meeting of the IATTC.

4. Inform the governments which are parties to such agreements or the said Resolution of infractions by vessels under their jurisdiction.

5. Receive from governments party to the above-mentioned Resolutions or this Agreement and whose vessels fish for tunas in association with dolphins in the eastern Pacific Ocean information concerning their actions in response to reported infractions for the purposes of monitoring compliance.

6. Recommend to all such governments a standardized certification system for fishing captains and maintain a list of those who have received adequate training and who are abiding by the goals of the above Resolution or this Agreement.

7. Recommend to all such governments a set of sanctions for individual fishing captains, vessel owners, and observers which are consistent with the goals of the above Resolution or this Agreement, appropriate for the infractions, and standardized among countries.

8. Recommend to all such governments minimum standards for fishing gear, update these following technological advances, and maintain a list of vessels which carry all the equipment needed to reduce dolphin mortality and which have performed the required procedures to maintain the vessel and the gear in good working condition.

9. Recommend to all such governments actions to be taken in order to ensure compliance with the above Resolution or this Agreement by any nation not a party to either that is conducting fishing operations in a manner inconsistent with the above Resolution or this Agreement.

10. Publish an Annual Report which would:

    a) Review the operation of the program and recommend actions to the such governments for modifications and updates in enforcement consistent with the goals of the above Resolution or this Agreement.

    b) Summarize all the identified infractions and the action taken.

III. COMPOSITION OF THE PANEL

The Review Panel will be composed of nine members, five of whom shall be representatives of resolving governments with vessels participating in the fishery. The remaining members of the Panel shall consist of two representatives of environmental organizations and two representatives of the tuna-fishing industry, to be selected by government representatives on the Panel. The five government representatives shall be voting members; the four non-governmental representatives shall be non-voting members. The IATTC will provide a non-voting Secretariat for the Panel.

IV. OPERATION OF THE PANEL

The Panel shall adopt rules of procedure for its operations at its first meeting. After each meeting a report of infractions and related matters shall be made available to the public. The Panel will prepare an annual report on its activities. The proceedings of the Panel will not be public, and its members shall not divulge any information concerning individual vessels and operators derived from review forms or from the proceedings of the Panel. Information concerning compliance with the terms of the Agreement will be made public by means of the Panel's Reports.

Appendix III.

Protective measures for each individual stock of dolphins should be taken as follows:

i) If the incidental mortality of any stock exceeds 2% of the most current estimate of absolute abundance (CEAA), but is less than 4% of the CEAA of that stock, a warning will be issued to all fleets.

ii) If the incidental mortality of any stock exceeds 2% of the CEAA but is less than 4% in two consecutive years, all sets on that stock, whether in herds which contain only individuals of that stock or in mixed herds, would be banned for a year.

iii) If the incidental mortality of any stock reaches or exceeds 4% of the CEAA in a given year, a complete ban on setting on that stock would be imposed for the following year.

iv) If the incidental mortality of any stock exceeds 6% of the CEAA, the ban on sets would remain in force for three years; for 8%, four years; and for 10%, five years.

It is proposed that the CEAA for the dolphin stocks of the EPO presented by Wade and Gerrodette to the IWC in 1992, based on NMFS research vessel data for the period 1986-1990, be used for all these calculations until the signatory nations agree on an updated set of figures. Such updates could result from the analysis of data from future research cruises, from calibration of indices of relative abundance with estimates of absolute abundance, or from improvements in the analytical methodology applied to currently available data. The 2% value for maximum net annual recruitment should also be changed if better estimates become available.

BACKGROUND

In recent years, incidental mortality for all stocks of dolphins involved in the fishery has been decreasing, and as of 1991 the mortality rates of all stocks are less than 1% of the most recent estimates of their average absolute abundances for 1986-1990. The most conservative estimate of the maximum net annual recruitment rate for dolphins is 2%, so incidental mortality rates below this level should not jeopardize the recovery of the stocks.

The incidental mortalities of the various stocks of dolphins in the EPO in 1991 (based on mortality per set) were as follows:

Stock	Population abundance[1]	Incidental mortality	Percent mortality
Northeastern spotted	738,100		
Western and/or southern spotted	1,299,300		
All spotted (except coastal)	2,037,400	13,991	0.69
Eastern spinner	632,700	5,879	0.93
Whitebelly spinner	1,020,100	2,974	0.29
Northern common	477,000	161	0.03
Central common	415,600	3,182	0.77
Southern common	2,211,500	115	0.01
Other dolphins	2,729,100	990	0.04
All	9,523,400	27,292	0.29

[1] Wade and Gerrodette (submitted to the International Whaling Commission, 1992)

Appendix IV.

THE SCIENTIFIC ADVISORY BOARD

The Inter-American Tropical Tuna Commission, at its Special Meeting held in La Jolla, California, on April 21-23, 1992, reached agreement on a multilateral program with the objectives of (1) progressively reducing dolphin mortality in the EPO fishery to levels approaching zero through the setting of annual limits and (2), with a goal of eliminating dolphin mortality in this fishery, seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins while maintaining the populations of yellowfin tuna in the EPO at a level which will permit maximum sustained catches year after year.

Based on a recommendation from the IATTC scientific staff, the participating governments approve the establishment of a Scientific Advisory Board of technical specialists to assist the Director in matters regarding research to (a) modify current purse-seine technology to make it less likely to cause dolphin mortality and (b) seek alternative means of capturing large yellowfin tuna.

The functions and responsibilities of the Board shall be to:

1) Meet at least once each year.

2) Review plans, proposals, and programs of the Commission to seek to meet objectives (1) and (2), as noted in paragraph 1 of this document.

3) Provide advice to the Director concerning the design, facilitation, and guidance of research to achieve objectives (1) and (2) noted in Paragraph 1 of this document.

4) Assist the Director in locating sources of finding to conduct such research.

5) Recommend to the Director any other measures and actions that could be taken to facilitate achieving the objectives of the dolphin conservation program defined in the Resolution of the Special Meeting of the IATTC held in La Jolla on April 21-23, 1992.

The Board will consist of no more than 10 members, selected from the international community of scientists, fishing gear experts, the fishing industry, and environmentalists. The members will be selected by the Director on the basis of their technical expertise, and subject to approval by the Commission and the participating governments.

The secretariat for the Board will be provided by the IATTC.

MULTILATERAL

FISHERIES

NON-BINDING DOCUMENTS

United Nations General Assembly Resolution 44/225 on Large-Scale Pelagic Driftnet Fishing and Its Impacts on the Living Marine Resources of the World's Oceans and Seas, New York, 1989

Done at New York 22 December 1989

Primary source citation: Copy of text provided by the United Nations

United Nations Driftnet Resolution

44/225. Large-scale pelagic driftnet fishing and its impacts on the living marine resources of the world's oceans and seas

Date: 22 December 1989
Adopted without a vote

Meeting: 85
Report: A/44/746/Add.7

The General Assembly,

Noting that many countries are disturbed by the increase in the use of large-scale pelagic driftnets, which can reach or exceed 30 miles (48 kilometres) in total length, to catch living marine resources on the high seas of the world's oceans and seas,

Mindful that large-scale pelagic driftnet fishing, a method of fishing with a net or a combination of nets intended to be held in a more or less vertical position by floats and weights, whose purpose is to enmesh fish by drifting on the surface of or in the water, can be a highly indiscriminate and wasteful fishing method which is widely considered to threaten the effective conservation of living marine resources such as highly migratory and anadromous species of fish, birds and marine mammals,

Noting that the present resolution does not address the question of small-scale driftnet fishing traditionally conducted in coastal waters, especially by developing countries, which provides an important contribution to their subsistence and economic development,

Expressing concern that, in addition to targeted species of fish, non-targeted fish, marine mammals, seabirds and other living marine resources of the world's oceans and seas can become entangled in large-scale pelagic driftnets, either in those in active use or in those that are lost or discarded, and as a result of such entanglement, are often either damaged or killed,

Recognizing that more than one thousand fishing vessels use large-scale pelagic driftnets in the Pacific Ocean, the Atlantic Ocean, the Indian Ocean and in other areas of the high seas,

Recognizing that any regulatory measures to be taken for the conservation and management of living marine resources should take account of the best available scientific data and analysis,

Recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea,

Affirming that, in accordance with the relevant articles of the Convention on the Law of the Sea, all members of the international community have a duty to co-operate globally and regionally in the conservation and management of living resources on the high seas, and a duty to take, or to co-operate with others in taking, such measures for their nationals as may be necessary for the conservation of the living resources of the high seas,

Recalling, in accordance with the relevant articles of the Convention on the Law of the Sea, the responsibility of all members of the international community to ensure the conservation and management of living marine resources and the protection and preservation of the living marine environment within their exclusive economic zones,

Noting the serious concern, particularly of coastal States and States with fishing interests, that when living marine resources are overexploited in the high seas adjacent to the exclusive economic zones of coastal States, this is likely to have adverse impacts on the same resources within such zones, and in this regard, the responsibility for co-operation in accordance with the relevant articles of the Convention on the Law of the Sea,

Also noting that the countries of the South Pacific Forum and the South Pacific Commission, in recognition of the importance of living marine resources to the people of the South Pacific region, have called for a cessation of such fishing in the South Pacific and the implementation of effective management programmes,

Also noting the adoption by South Pacific Heads of Government of the Declaration on this subject at Tarawa on 11 July 1989 and the adoption by South Pacific States and Territories of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, at Wellington on 24 November 1989,

Further noting that some members of the international community have entered into co-operative enforcement and monitoring programmes for the immediate evaluation of the impacts of large-scale pelagic driftnet fishing,

Recognizing that some members of the international community have taken steps to reduce their driftnet operations in some regions in response to regional concerns,

1. Calls upon all members of the international community, particularly those with fishing interests, to strengthen their co-operation in the conservation and management of living marine resources;

2. Calls upon all those involved in large-scale pelagic driftnet fishing to co-operate fully with the international community, and especially with coastal States and the relevant international and regional organizations, in the enhanced collection and sharing of statistically sound scientific data, in order to continue to assess the impacts of such fishing methods, and to secure conservation of the world's living marine resources;

3. Recommends that all interested members of the international community, particularly within regional organizations, continue to consider and, by no later than 30 June 1991, review the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and agree upon further co-operative regulation and monitoring measures, as needed;

4. Further recommends that all members of the international community, bearing in mind the special role of regional organizations and regional and bilateral co-operation in the conservation and management of living marine resources, as reflected in the relevant articles of the Convention on the Law of the Sea, agree to:

(a) Moratoria on all large-scale pelagic driftnet fishing on the high seas by 30 June 1992 with the understanding that such a measure will not be imposed in a region, or if implemented, can be lifted, should effective conservation and management measures be taken based upon statistically sound analysis to be jointly made by concerned parties of the international community with an interest in the fishery resources of the region, to prevent unacceptable impacts of such fishing practices in that region and to ensure the conservation of the living marine resources of that region;

(b) Take immediate action to reduce progressively large-scale pelagic driftnet fishing activities in the South Pacific region leading to the cessation of such activities by no later than 1 July 1991, as an interim measure, until

appropriate conservation and management arrangements for South Pacific albacore tuna resources are entered into by the parties concerned;

(c) An immediate cessation to further expansion of large-scale pelagic driftnet fishing on the high seas of the North Pacific and all the other high seas outside the Pacific Ocean, with the understanding that this measure will be reviewed subject to the conditions in paragraph 4(a) above;

5. Encourages coastal countries which have exclusive economic zones adjacent to the high seas to take appropriate measures and to cooperate in collection and submission of scientific information on driftnet fishing in their own exclusive economic zones, taking into account the measures taken on the high seas for the conservation of living marine resources;

6. Requests specialized agencies, particularly the Food and Agriculture Organization of the United Nations and other appropriate organs, organizations and programmes of the United Nations system, as well as the various regional and subregional fisheries organizations, to study urgently large-scale pelagic driftnet fishing and its impacts on the living marine resources and to report their views to the Secretary-General;

7. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and well-established scientific institutions with expertise in relation to living marine resources;

8. Requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the implementation of the present resolution for its consideration.

United Nations General Assembly Resolution 45/197 on Large-Scale Pelagic Driftnet Fishing and Its Impact on the Living Marine Resources of the World's Oceans and Seas, New York, 1990

Done at New York 21 December 1990

Primary source citation: Copy of text provided by the United Nations

United Nations General Assembly Resolution 45/197
Passed by consensus: December 21, 1990

Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas

The General Assembly,

Recalling its resolution 44/225 concerning large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, including enclosed and semi-enclosed seas, which was adopted by consensus on December 22, 1989,

Also recalling in particular that the General Assembly recommended that all members of the international community agree to certain measures specified in the operative paragraphs of resolution 44/225,

Further recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea, which are referred to in the seventh to tenth paragraphs of resolution 44/225,

Commending the unilateral, regional and international efforts that have been undertaken by members of the international community and international organizations to implement and support the objectives of resolution 44/225,

Noting that at the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990, the Heads of Government reaffirmed their opposition to large-scale pelagic driftnet fishing, and noting also the resolution on large-scale pelagic driftnet fishing in the South Pacific region, adopted by the South Pacific Conference in Noumea, New Caledonia, on 31 October 1990,

Welcoming the decision of a Member State to suspend driftnet operations in the South Pacific one year in advance of the date of cessation stipulated by the General Assembly, and the decision of other Member states to cease or suspend driftnet fishing,

Noting the meeting of the Authority of the Organization of Eastern Caribbean States (OECS) at Castries, St. Lucia, in November 1989 which resolved, in its Declaration, to establish a regional regime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of driftnets and called

upon other States in the region to cooperate in this regard, and also the more recent developments in the wider Caribbean Community region,

Noting that there have been recent meetings related, inter alia, to the protection of fish and other living marine resources and the environment in the Mediterranean, including the meeting of the Nine Western Mediterranean Countries on Dialogue and Co-operation in the Western Mediterranean, held at Rome on 10 October 1990, and the meeting on the Mediterranean of the Conference on Security and Co-operation in Europe, held at Palma de Mallorca, Spain, from 24 September to 19 October 1990,

Noting also that the International North Pacific Fisheries Commission has concerned itself with large-scale pelagic driftnet fishing in the North Pacific Ocean, including the need to accumulate scientific knowledge, and has supported the full implementation of Assembly resolution 44/225,

Noting further that the International Whaling Commission, at its forty-second annual meeting, in July 1990, referred to the use of large-scale pelagic driftnets in many areas of the high seas, including important habitats for cetaceans encompassing feeding and breeding grounds and migratory pathways, and endorsed Assembly resolution 44/225,

Noting that, at its first session, the Preparatory Committee for the United Nations Conference on Environment and Development requested the Secretary-General of the Conference, inter alia, to prepare, for submission to the Preparatory Committee at its second session, a comprehensive report on the impact of large-scale harvesting, and new fishing technologies and fishing technologies incompatible with the sustainable management of living marine resources, taking into account Assembly resolution 44/225,

Noting with appreciation the contribution to the report of the Secretary-General made by the Food and Agriculture Organization of the United Nations and other appropriate organs, organizations, and programmes of the United Nations system and by various regional and sub-regional fisheries organizations, in response to the request of the Assembly in paragraph 6 of its resolution 44/225,

Also noting with appreciation the contribution to the report of the Secretary-General made voluntarily by some members of the international community, intergovernmental organizations and non-governmental organizations,

Noting that some members of the international community have initiated co-operative efforts to obtain statistically sound data on the impact of large-scale pelagic driftnet fishing,

Expressing deep concern about reports of attempts to expand large-scale pelagic driftnet fishing on the high seas of the Atlantic Ocean by one fishing entity, in disregard of paragraph 4 (c) of Assembly resolution 44/225,

Expressing concern about reports of reflagging of vessels by some private fishing interests, which is contrary to the spirit and content of resolution 44/225,

1. Takes note with interest of the report of the Secretary-General, and expresses its appreciation for his efforts;

2. Reaffirms its resolution 44/225, and calls for its full implementation by all members of the international community, in accordance with the measures and time-frame elaborated in paragraph 4 of that resolution concerning large-scale pelagic driftnet fishing on the high seas of all the world's oceans and seas, including enclosed and semi-enclosed seas;

3. Also reaffirms the importance of all members of the international community taking such measures as may be necessary to ensure compliance with paragraph 4 (c) of resolution 44/225;

4. Requests the specialized agencies and other appropriate organs, organizations, and programmes of the United Nations system, as well as the various global, regional, and subregional fishery organizations, to continue to study urgently large-scale pelagic driftnet fishing and its impact on living marine resources and to report their views to the Secretary-General, bearing in mind the dates set out in paragraphs 3 and 4 of resolution 44/225;

5. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council, and well-established scientific institutions with expertise in relation to living marine resources;

6. Also requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution.

United Nations General Assembly Resolution 46/215 on Large-Scale Pelagic Drift-Net Fishing and Its Impact on the Living Marine Resources of the World's Oceans and Seas, New York, 1991

Done at New York 20 December 1991

Primary source citation: Copy of text provided by the United Nations

United Nations General Assembly Resolution 46/215

46/215. Large-Scale Pelagic Drift-Net Fishing and Its Impact on the Living Marine Resources of the World's Oceans and Seas

Date: 20 December 1991 **Report: A/46/645/ADD.6**
Adopted without a vote

The General Assembly,

Recalling its resolutions 44/225 and 45/197 concerning large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, including enclosed and semi-enclosed seas, which took into account the concerns of developing countries and were adopted by consensus on 22 December 1989 and 21 December 1990, respectively,

Also recalling, in particular, that the General Assembly recommended that all members of the international community agree to certain measures specified in the operative paragraphs of resolution 44/225,

Further recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea, which are referred to in the seventh to tenth preambular paragraphs of resolution 44/225,

Expressing deep concern about reports of expansion of large-scale pelagic drift-net fishing activities on the high seas in contravention of resolutions 44/225 and 45/197, including attempts to expand large-scale pelagic drift-net fishing in the high seas areas of the Indian Ocean,

Commending the unilateral, regional and international efforts that have been undertaken by members of the international community and international organizations to implement and support the objectives of resolutions 44/225 and 45/197,

Noting that at the Twenty-second South Pacific Forum, held at Pohnpei on 29 and 30 July 1991, the heads of government reaffirmed their opposition to large-scale pelagic drift-net fishing, and in this regard, inter alia, welcomed the entry into force on 17 May 1991 of the Convention for the prohibition of long driftnets in the South Pacific,

Noting also the Castries Declaration, in which the authority of the Organization of Eastern Caribbean States resolved to establish a regional regime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of drift-nets and called upon other States in the region to cooperate in this regard,

Welcoming the actions taken that have resulted in the cessation of all large-scale pelagic drift-net fishing activities in the South Pacific in advance of the date stipulated in paragraph 4 (b) of resolution 44/225 for the termination of such activities,

Also welcoming the decision of other members of the international community to cease large-scale pelagic drift-net fishing on the high seas,

Commending the efforts of many members of the international community to compile data on large-scale pelagic drift-net fishing and to submit their findings to the Secretary-General,

Noting the contributions to the report of the Secretary-General, made by some members of the international community and by intergovernmental and non-governmental organizations,

Noting also the significant concerns at the impact of large-scale pelagic drift-net fishing on the marine environment expressed by members of the international community and competent regional fisheries bodies,

Noting further that, in accordance with Paragraph 3 of resolution 44/225, some members of the international community have reviewed the best available scientific data on the impact of large-scale pelagic drift-net fishing and have failed to conclude that this practice has no adverse impact which threatens the conservation and sustainable management of living marine resources,

Noting that the grounds for concerns expressed about the unacceptable impact of large-scale pelagic drift-net fishing in resolutions 44/225 and 45/197 have been confirmed and that evidence has not demonstrated that the impact can be fully prevented,

Recognizing that a moratorium on large-scale pelagic drift-net fishing is required, notwithstanding that it will create adverse socio-economic effects on the communities involved in high seas pelagic drift-net fishing operations,

1. Recalls its resolutions 44/225 and 45/197;

2. Commends the efforts to jointly collect statistically sound data regarding large-scale pelagic drift-net fishing in the North Pacific Ocean, which were reviewed at the meeting of scientists held in Sidney, Canada, in June 1991, and presented at the Symposium on the High Seas Drift-Net Fisheries in the North Pacific Ocean, held in Tokyo in November 1991 under the auspices of the International North Pacific Fisheries Commission;

3. Calls upon all members of the international community to implement Assembly resolutions 44/225 and 45/197 by, inter alia, taking the following actions:

(a) Beginning on 1 January 1992, reduce fishing effort in existing large-scale pelagic high seas drift-net fisheries by, inter alia, reducing the number of vessels involved, the length of the nets and the area of operation, so as to achieve, by 30 June 1992, a 50 per cent reduction in fishing effort;

(b) Continue to ensure that the areas of operation of large-scale pelagic high seas drift-net fishing are not expanded and, beginning on 1 January 1992, are further reduced in accordance with paragraph 3 (a) of the present resolution;

(c) Ensure that a global moratorium on all large-scale pelagic drift-net fishing is fully implemented on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas, by 31 December 1992;

4. Reaffirms the importance it attaches to compliance with the present resolution and encourages all members of the international community to take measures individually and collectively to prevent large-scale pelagic drift-net fishing operations on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

5. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations and well-established scientific institutions with expertise in relation to living marine resources;

6. Requests the members and organizations referred to above to submit information concerning activities or conduct inconsistent with the terms of the present resolution to the Secretary-General;

7. Also requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the implementation of the present resolution.

MULTILATERAL

MARINE MAMMALS

Convention for the Preservation and Protection of Fur Seals, Washington, 1911

Done at Washington 7 July 1911

*Entered into force 15 December 1911**

Depositary: United States

Primary source citation: 1 Bevans 804, TS 564

PRESERVATION AND PROTECTION OF FUR SEALS

Convention

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means, for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

* This Convention was terminated on 23 October 1941.

ARTICLE I

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectfully, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

ARTICLE III

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus, Callorhinus ursinus,* and *Callorhinus kurilensis,* and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE V

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE VII

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE VIII

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

ARTICLE IX

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE XI

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in

any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE XIII

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE XIV

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

ARTICLE XV

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE XVI

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE XVII

The Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

EXCHANGE OF NOTES RESPECTING BRITISH RESERVATION

WASHINGTON
July 7th, 1911

To
The Honorable CHARLES NAGEL
President of the Conference

SIR,

The Delegates of Great Britain, in signing the treaty for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, are instructed to state that, while accepting the whole treaty on behalf of Great Britain and the Dominion of Canada, they are obliged to reserve for the present the assent of the other self governing Dominions within the British Empire so far as regards the words in Article III, lines 3 and 4: "and no sealskins identified as the species known as Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kurilensis," because there has not been time to obtain the assent of those Dominions to these words, which were submitted to His Majesty's Government only a few days ago.

This reservation is made, not because His Majesty's Government think or have any ground for thinking that these Dominions are likely to object to the words in question, but solely because it has been impossible within the time to ascertain, conformably to the usual practice, whether they are prepared to undertake such obligations as the words impose. His Majesty's Government will consult these Dominions at the earliest possible moment with a view to obtaining their consent to the words for the present reserved.

We have the honour to be,
Sir,
Your most obedient Servants,

JAMES BRYCE
JOSEPH POPE

July 7, 1911

The Right Honorable JAMES BRYCE, O. M.,
and
The Honorable JOSEPH POPE,
Delegates of Great Britain to the
International Fur Seal Conference

GENTLEMEN:

In reply to your note of today addressed to me, I have the honor to inform you that the Delegations of the United States and Japan have read and considered it, and that they regard the obstacles therein mentioned as so remote that they have decided to sign the North Pacific Sealing Convention with the understanding that the Governments of the United States, Japan and Russia are at liberty to await the acceptance by Great Britain of the Convention without the particular reservations mentioned in your note before proceeding with ratification.

I have the honor to be,
With the highest respect

CHARLES NAGEL
President of the Conference

NOTE OF WITHDRAWAL OF BRITISH RESERVATION

BRITISH EMBASSY
SEAL HARBOR, MAINE
July 18, 1911

The Honourable
P. C. KNOX,
Secretary of State,
etc. etc. etc.

DEAR MR. SECRETARY:

I have pleasure in informing you in confirmation of my telegram of to-day's date that my Government having just informed me that the Self-Governing Dominions of the British Empire (other than Canada) having been consulted by His Majesty's Government with regard to the words in Article III viz: "and no sealskins identified as the species known as Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kurilensis", of the International Treaty, signed on July 7th at Washington "for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean," have now expressed their assent to the words in question, their acceptance of which had been provisionally reserved at the time of the signature of the Treaty by the British Delegates to the Conference. I should therefore be very much obliged if you would cause this information to be conveyed to the Delegates who represented the United States at the Conference giving them to understand that the Treaty is now accepted in its entirety by His Majesty's Government on behalf not only of Great Britain and Canada but also of all the other British Dominions.

The whole Treaty, including the words in Article III above quoted, having now been thus accepted, the note of reservation addressed to the President of the Conference on July 7 by Mr. Pope and myself as British Delegates has now become ineffective and is hereby withdrawn by me on behalf of His Majesty's Government. Therewith also the note signed by the United States and Japanese Delegates at the same time explaining that they, while noting the reservation made by us, nevertheless signed the Treaty, has now become superfluous.

I have the honour therefore to request that you will have the goodness to communicate the above complete acceptance of the Treaty and withdrawal of the Note of Reservation to Mr. Secretary Nagel as President of the Conference, as it will no doubt be the wish both of the United States Delegates and of the United States Administration that the Treaty should be presented to the Senate of the United States at an early date.

With cordial congratulations on the successful issue of the Conference convoked by the United States and in the hope that the result of its deliberations may prove to be of benefit both to the nations more immediately concerned and to the world at large,

I have the honour to be, Dear Mr. Secretary,
Very faithfully yours,

JAMES BRYCE

P.S. I am sending a copy of this note to the Japanese Ambassador and to the Russian Charge d'Affaires in this country for the information of their respective Delegates.

Convention for the Regulation of Whaling, Geneva, 1931

Done at Geneva 24 September 1931

Entered into force 16 January 1935

Depositary: League of Nations

Primary source citation: 3 Bevans 26, TS 880

CONVENTION FOR THE REGULATION OF WHALING

His Majesty the King of the Albanians; the President of the German Reich; the President of the United States of America; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India; the President of the Republic of Colombia; His Majesty the King of Denmark and Iceland; the President of the Government of the Spanish Republic; the President of the Republic of Finland; the President of the French Republic; the President of the Hellenic Republic; His Majesty the King of Italy; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic; His Majesty the King of Roumania; the Swiss Federal Council; the President of the Czechoslovak Republic; the President of the Turkish Republic; His Majesty the King of Yugoslavia have appointed as their Plenipotentiaries the following:

His Majesty the King of the Albanians:
M. Lec Kurti, Resident Minister, Permanent Delegate accredited to the League of Nations.

The President of the German Reich:
M. Hans Hermann Völckers, Consul-General at Geneva.

The President of the United States of America:
Mr. Hugh R. Wilson, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of the Belgians:
M. P. Hymans, Minister for Foreign Affairs.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable Viscount Cecil of Chelwood, K.C.

For the Dominion of Canada:
The Honourable Hugh Guthrie, P.C., K.C., M.P., Minister of Justice and Attorney-General.

For the Commonwealth of Australia:
Mr. James R. Collins, C.M.G., C.B.E., Official Secretary and financial Adviser in the Office of the High Commissioner in London.

For the Dominion of New Zealand:
Sir Thomas Mason Wilford, K.C.M.G., K.C., High Commissioner in London.

For the Union of South Africa:
Mr. C. T. te Water, High Commissioner in London.

For India:
Sir Brojendra L. Mitter, Kt., Law Member of the Viceroy's Executive Council.

The President of the Republic of Colombia:
Dr. A. J. Restrepo, Permanent Delegate accredited to the League of Nations.

His Majesty the King of Denmark and Iceland:
M. William Borberg, Permanent Delegate accredited to the League of Nations.

The President of the Government of the Spanish Republic:
M. Alejandro Lerroux García, Minister of State.

The President of the Republic of Finland:
M. Evald Gyllenbögel, Counsellor of Legation, Permanent Delegate *a.i.* accredited to the League of Nations.

The President of the French Republic:
M. Louis Rollin, Deputy, Minister of Commerce and Industry.

The President of the Hellenic Republic:
M. R. Raphaël, Permanent Delegate accredited to the League of Nations.

His Majesty the King of Italy:
M. Augusto Rosso, Minister Plenipotentiary, Substitute Delegate to the Council of the League of Nations.

The President of the United States of Mexico:
M. Salvador Martinez de Alva, Head of the Permanent Office accredited to the League of Nations.

His Majesty the King of Norway:
M. Birger Braadland, Minister for Foreign Affairs.

Her Majesty the Queen of the Netherlands:
Jonkheer F. Beelaerts van Blokland, Minister for Foreign Affairs.

The President of the Polish Republic:
M. Auguste Zaleski, Minister for Foreign Affairs.

His Majesty the King of Roumania:
M. Constantin Antoniade, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

The Swiss Federal Council:
M. Giuseppe Motta, President of the Swiss Confederation, Head of the Federal Political Department.

The President of the Czechoslovak Republic:
M. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Turkish Republic:
Cemal Hüsnü Bey, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of Yugoslavia:
M. Voislav Marinkovitch, Minister for Foreign Affairs.

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

Article 1

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

Article 2

The present Convention applies only to baleens or whalebone whales.

Article 3

The present Convention does not apply to aborigines dwelling on the coasts of the territories of the High Contracting Parties provided that:

(1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;

(2) They do not carry firearms;

(3) They are not in the employment of persons other than aborigines;

(4) They are not under contract to deliver the products of their whaling to any third person.

Article 4

The taking or killing of right whales, which shall be deemed to include North-Cape whales, Greenland whales, southern right whales, Pacific right whales and southern pigmy right whales, is prohibited.

Article 5

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves (or suckling whales) is prohibited.

Article 6

The fullest possible use shall be made of the carcases of whales taken. In particular:

1. There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcases or parts of carcases as are not intended to be used for human food.

2. Every factory, whether on shore or afloat, used for treating the carcases of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3. In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a license authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party, whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that, in addition, a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be refused or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, whatever the nationality of the vessel may be.

Article 9

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flags and engaged in the taking of whales, the most complete biological information practicable with regard to each whale taken, and in any case on the following points:

(a) Date of taking;

(b) Place of taking;

(c) Species;

(d) Sex;

(e) Length; measured, when taken out of water; estimated, if cut up in water;

(f) When foetus is present, length and sex if ascertainable;

(g) When practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs *(e)* and *(f)* of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his territories and territorial waters, and by his vessels, shall not apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932 for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and non-member States indicating the dates of their deposit.

Article 16

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who shall notify all the Members of the League of Nations and non-member States of their deposit and the date thereof.

Article 17

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of each notification received and of the date of its receipt.

3. Each denunciation shall take effect six months after the receipt of its notification.

Article 20

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territory named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of three years mentioned in Article 19, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the dates of their receipt.

Article 21

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva, on the twenty-fourth day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

International Convention for the Regulation of Whaling, Washington, 1946

Done at Washington 2 December 1946

Entered into force 10 November 1948

Depositary: United States

Primary source citation: 4 Bevans 248, TIAS 1849

International Convention for the Regulation of Whaling

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by whale stocks;

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937 and the protocols to that Agreement signed in London on June 24, 1938 and November 26, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government Presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whale the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whale or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) two fin whales or

(2) two and a half humpback whales or

(3) six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by subparagraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales	70 feet (21.3 meters)
(b) fin whales	55 feet (16.8 meters)
(c) sei whales	40 feet (12.2 meters)
(d) humpback whales	35 feet (10.7 meters)
(e) sperm whales	35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: that is to say, any whale between 75′6″ and 76′6″ shall be logged as 76′, and any whale between 76′6″ and 77′6″ shall be logged as 77′. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.* 76′6″ precisely, shall be logged as 77′.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(a) the name and gross tonnage of each factory ship;

(b) the number and aggregate gross tonnage of the whale catchers;

(c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale other than a toothed whale;

"blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;

"fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;

"sei whale" means any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;

"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

"Dauhval" means any unclaimed dead whale found floating.

Protocol to the International Convention for the Regulation of Whaling, Washington, 1956

Done at Washington 19 November 1956

Entered into force 4 May 1959

Primary source citation: 10 UST 952, TIAS 4228

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

Article I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:

"3. 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: "and (i) methods of inspection".

Article III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.

4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1949

Done at London 7 June 1949

Entered into force 11 October 1949 except for those Amendments which entered into force 11 January 1950

Primary source citation: 1 UST 506, TIAS 2092

INTERNATIONAL WHALING COMMISSION

MINISTRY OF AGRICULTURE AND FISHERIES,
FISHERIES DEPARTMENT,
ST. STEPHEN'S HOUSE,
VICTORIA EMBANKMENT,
LONDON, S. W. 1
Telephone: WHITEHALL 3201

Chairman: PROFESSOR B. BERGERSEN (NORWAY)
Vice-Chairman: Dr. REMINGTON KELLOGG (U.S.A.)
Secretary: A. T. A. DOBSON (U.K.)

15th November, 1949

Amendments to the Schedule to the International Whaling Convention 1946

I hereby certify that, at its first meeting, held in London in May/June 1949, the International Whaling Commission, by resolution, made the following amendments to the Schedule to the International Whaling Convention signed in Washington in 1946.

Paragraph 6. At the end of the paragraph add the following words:–"Provided that in each of the pelagic whaling seasons 1949/50 and 1950/51 a maximum of 1250 humpback whales may be taken in these waters."

Paragraph 7 (a). Omit words "15th December to 1st April" in fourth line and insert the words "22nd December to 7th April."

(Note. This amendment involves a consequential amendment in para. 8 (d) where the words 7th April should be substituted for 1st April).

Paragraph 10. Delete and in place insert the following new Paragraph 10:–

"10. (a) It is forbidden to use a land station under the jurisdiction of a Contracting Government, and whale catchers attached to such land station, for the purpose of taking or treating baleen whales except as permitted by the Contracting Government in accordance with sub-paragraph (b) of this paragraph."

"(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales which is more than 1000 miles from the nearest land station used for the taking or treating of baleen whales under the jurisdiction of the same Contracting Government."

"(c) Notwithstanding the prohibition in sub-paragraph (a) of this paragraph, the treatment of whales which have been taken during an open season may be completed after the end of such open season."

"(d) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule."

And I hereby further certify that these amendments were communicated to each and every Contracting Government by letter on 25th June, 1949, and, no objections having been received, came into force on 11th October, 1949, the 90 days following the notification of the amendments to each Contracting Government, as prescribed by Article V of the International Whaling Convention 1946, being deemed to have expired on 10th October, 1949.

A. T. A. DOBSON
Secretary,
International Whaling Commission.

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INTERNATIONAL WHALING COMMISSION
MINISTRY OF AGRICULTURE AND FISHERIES,
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Secretary: A.T.A. DOBSON (U.K.)

2 February, 1950

Amendment to the Schedule to the International Whaling Convention 1946

I hereby certify that, at its first meeting, held in London in May/June 1949, the International Whaling Commission, by resolution made the following amendment to the Schedule to the International Whaling Convention signed in Washington in 1946.

The following new paragraph 17 is substituted for the existing paragraph 17 of the Schedule to the Convention aforesaid:—

"17 (a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and

which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40 degrees South latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:–

1) On the coast of Madagascar and its dependencies:

2) On the west coast of French Africa:

3) On the coasts of Australia, namely on the whole of the east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany."

And I hereby certify that this amendment was communicated to each and every contracting government by letter dated 25th June, 1949. Before the expiration of the 90 days period provided for in Article V (3) of the International Whaling Convention of 1946, the French Government registered an objection to the coming into force of this amendment. No other contracting Government registered a similar objection, nor did the French Government withdraw their objection, so that, at the expiration of the further 90 days period provided for in Article V (3) of the 1946 Convention viz. 10th January, 1950, this amendment came into force as from 11th January, 1950, in respect of all Contracting Governments, except France.

A. T. A. DOBSON
Secretary,
International Whaling Commission.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Oslo, 1950

Done at Oslo 21 July 1950

Entered into force 1 November 1950

Primary source citation: 2 UST 11, TIAS 2173

AMENDMENTS TO THE SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946

As made at the second meeting of the Commission at Oslo, 1950

I hereby certify that, at its second meeting, held in Oslo in July, 1950, the International Whaling Commission, by resolution, made the following amendments to the Schedule to the International Whaling Convention signed in Washington on 2nd December, 1946.

(a) Paragraph 6 of the Schedule shall read as follows:–

"6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude; provided that, in the pelagic whaling season 1950-51 a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1."

(b) Paragraph 8 (c) of the Schedule shall read as follows:–

"8 (c). Notification shall be given in accordance with Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of paragraph 6 shall be given at the end of each day."

(c) Paragraph 8 (d) shall read as follows:–

"8 (d). If it should appear that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April, of any year, the Commission, or such other body as the Commission may designate, shall determine on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined."

(d) Existing paragraph 8 (e) shall be redesignated as paragraph 8 (f) and a new subparagraph (e) shall be inserted as follows:–

"8 (e). On the basis of data on number of humpback whales taken in accordance with the provisions of paragraph 6 and reported in accordance with subparagraph 8 (c), the Commission, or such other body as the Commission may designate, shall determine the date on which the maximum catch of humpback whales shall be deemed to have been reached and shall notify each factory ship and each Contracting Government four days in advance thereof. The taking of humpback whales in all waters south of 40° South Latitude shall be illegal after midnight of the date so determined."

And I hereby further certify that these amendments were communicated to each and every Contracting Government by letter dated 27th July, 1950, and, no objections having been received, came into force on 1st November, 1950, the 90 days following the notification of the amendments to each Contracting Government, as prescribed by Article V of the International Whaling Convention 1946, being deemed to have expired on 31st October, 1950 at midnight, 24 hours.

12 December, 1950

A. T. A. DOBSON
Secretary,
International Whaling Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Cape Town, 1951

Done at Cape Town 27 July 1951

Entered into force 18 November 1951 except for those Amendments which entered into force 21 February 1952

Primary source citation: 3 UST 2999, TIAS 2486

INTERNATIONAL WHALING COMMISSION
MINISTRY OF AGRICULTURE AND FISHERIES
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Secretary:
A. T. A. DOBSON (U.K.)

19 Nov. 1951

The Hon.
THE SECRETARY OF STATE OF THE UNITED STATES

Our Ref. AS.III

Circular letter to all Contracting Governments
Alterations to the Schedule

SIR,

I beg to refer to my circular on the above subject dated 9th August, 1951 and numbered as above, and to remind you that the 90 day period referred to in Article V of the International Whaling Convention of 1946 was deemed to expire at midnight (2400 hours) on Saturday, 17th November, 1951 (vide penultimate paragraph of my circular referred to).

On November 13th I received an objection from the Government of Australia to the proposed amendment, subparagraph 10 (c) (relating to sperm whales) in the list of amendments to the Schedule which accompanied my

letter of 9th August, 1951, as amended by my circulars of 3rd September and 24th September, 1951. No other objections have been received to any of the other amendments referred to. The position is, therefore, as follows:–

The amendments referred to accordingly automatically came into force as from November 18th, 1951, with the sole exception of subparagraph 10 (c) (relating to sperm whales) to which the Australian objection has been directed.

Under Article V (3) of the International Whaling Convention of 1946 already referred to, the subparagraph 10 (c) cannot become effective until the expiration of a further period of 90 days which shall be deemed to have expired on *20th February, 1952* to allow for postal delays.

A further communication will be addressed to you with regard to this particular amendment, as soon as the further 90 day period has expired.

In the meantime a further copy of all the amendments (including the one, 10 (c), objected to) is enclosed for your convenience.

I am, Sir,
Your obedient servant,

A. T. A. DOBSON
Secretary to the Commission

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International Whaling Commission

International Convention for the Regulation of Whaling, 1946

List of the amendments to the Schedule to the Convention made by the International Whaling Commission at their Third Meeting held at Cape Town in July, 1951

1) PARAGRAPH 6.

The words "for baleen whales 1952" shall be substituted for the figures "1950/51". The whole paragraph will therefore read:–

"It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude; provided that in the pelagic whaling season for baleen whales 1952 a maximum of 1250 humpback whales may be taken in these waters commencing on February 1st."

2) PARAGRAPH 7.

In subparagraph (a) the words "2nd January" shall be substituted for the words "22nd December."

The whole subparagraph will therefore read:–

"It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from 2nd January, to 7th April following, both days inclusive."

3) PARAGRAPH 7 (*continued*).

The present subparagraph (b) shall be re-designated subparagraph (c) and a new subparagraph (b) shall be inserted as follows:–

"(b) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or treating of sperm whales by factory ships may be permitted; provided that a separate open season may be declared for each factory ship".

4) PARAGRAPH 8.

In subparagraph (c) after the words "in pursuance of paragraph 6", there shall be inserted the words "including nil returns on days when no humpback whales are taken".

In subparagraph (e) of the same paragraph the words "three days" shall be substituted for the existing words "four days" in the sixth line.

5) PARAGRAPH 9.

The first subparagraph shall be cancelled, and the following subparagraphs containing some new matter shall be substituted:–

"9 (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:–

Blue whales 70 feet (21.3 metres)
Sei whales 40 feet (12.2 metres)
Humpback whales 35 feet (10.7 metres)

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 60 feet (18.3 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations."

The existing second subparagraph of paragraph 9 beginning "Whales must be measured" shall be numbered (d).

6) PARAGRAPH 10.

This shall read as follows, new matter in existing subparagraphs being underlined, and subparagraphs (c) and (d) being new:–

"10 (a) It is forbidden to use a land station under the jurisdiction of a Contracting Government, and whale catchers attached to such land station, for the taking of or treating of baleen and sperm whales, except as permitted by the Contracting Government in accordance with subparagraphs (b), (c) and (d) of this paragraph.

10 (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen (excluding minke) whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a Contracting Government, provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or treating of sperm whales shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales as provided for in subparagraph (b) above; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for all whale catchers one open season not to exceed six continuous months in any period of twelve months during which the taking or treating of minke whales shall be permitted, (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in subparagraph (b) above); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(e) Notwithstanding the provisions of subparagraphs (a), (b), (c) and (d) of this paragraph, the treatment of whales which have been taken during an open season may be completed after the end of such open season.

(f) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article 11 of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule."

7) PARAGRAPH 12.

In subparagraph (a), after the opening words "all whales" shall be inserted the words "(except minke whales)".

8) PARAGRAPH 13.

This shall be omitted and the following new paragraph 13 shall be substituted, new matter being underlined:–

"13 (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship :

(1) The time when each whale is taken,

(2) its species, and

(3) its marking effected pursuant to subparagraph (b) of this paragraph.

(d) The information reported by radio pursuant to subparagraph (c) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) time of hauling up for treatment,

(2) length, measured pursuant to subparagraph (d) of paragraph 9,

(3) sex,

(4) if female, whether milk-filled or lactating,

(5) length and sex of foetus, if present, and

(6) a full explanation of each infraction.

(e) A record similar to that described in subparagraph (d) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said subparagraph shall be entered therein as soon as available."

9) PARAGRAPH 18

This paragraph shall be omitted and the following new revised clause 18 shall be substituted for it:–

"18. The following expressions have the meanings respectively assigned to them, that is to say:–

'baleen whale' means any whale which has baleen or whale bone in the mouth, i. e. any whale other than a toothed whale.

'blue whale' (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom,

'dauhval' means any unclaimed dead whale found floating,

'fin whale' (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale,

'gray whale' (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack,

'humpback whale' (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale,

'minke whale' (Balaenoptera acutorostrata, B. davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner,

'right whale' (Balaena mysticetus; Eubalaena glacialis, E. australis, etc; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale,

'sei whale' (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei),

'sperm whale' (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale,

'toothed whale' means any whale which has teeth in the jaws."

I hereby certify that the preceding list is a true copy of the amendments to the Schedule to the International Convention for the Regulation of Whaling, 1946, made by the International Whaling Commission at their Third Meeting, at Cape Town, in July, 1951. These amendments were communicated to each Contracting Government in a circular dated 9th August, 1951 (as amended by circulars dated 3rd September and 24th September, 1951). The 90 days referred to in Article V of the 1946 Convention was deemed to have expired at midnight (24 hours) on 17th November, 1951 and the only objection received was one by the Australian Government, to the inclusion of subparagraph 10 (c) relating to an open season for sperm whales. Accordingly, all the amendments, with the exception of 10 (c), came into operation as from 18th November, 1951, but 10 (c) cannot become effective with respect to any

Contracting Government, until the expiration of a further 90 days, which will be deemed to have taken place on 20th February, 1952.

A. T. A. DOBSON
Secretary to the Commission.

19th November, 1951.

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INTERNATIONAL WHALING COMMISSION
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Secretary:
A. T. A. DOBSON (U.K.)

21 February 1952

The Hon
THE SECRETARY OF STATE.

Our Ref. AS.III

Circular letter to all Contracting Governments
Alterations to the Schedule

SIR,

I beg to refer to my circular on the above subject, dated 19th November, 1951, and to remind you that the further 90 day period referred to therein (Article V of the International Whaling Convention of 1946) was deemed to expire on *20th February* 1952 (vide fourth paragraph of the circular in question).

I am now to inform you that, during the 90 day period referred to, no objection has been received from any other Contracting Government to subparagraph 10 (c) of the amendments to the Schedule made by the Commission at their meeting at Cape Town. On the other hand, the Government of Australia has not been able to withdraw its objection. It follows, therefore, that the new subparagraph 10 (c) is now binding, as from the date of this letter, upon all Contracting Governments, with the exception of Australia.

A fresh copy of the Convention, with the Schedule showing the amendments made at the third meeting, and with the necessary revision of the Index is with the Printers and will be distributed as soon as possible.

A copy of this letter is being sent to each Commissioner.

I am, Sir,
Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1952

Done at London 6 June 1952
Entered into force 12 September 1952
Primary source citation: 3 UST 5094, TIAS 2699

INTERNATIONAL WHALING COMMISSION
MINISTRY OF AGRICULTURE AND FISHERIES,
FISHERIES DEPARTMENT,
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LONDON, S. W. 1.
Telephone: TRAfalgar: 7711

Chairman:
Dr. REMINGTON KELLOGG (U.S.A.)
Secretary:
A. T. A. DOBSON (U.K.)

24th September, 1952

International Whaling Convention, 1946

Amendments made by the International Whaling Commission (at their fourth Annual Meeting in London, June 1952) to the Schedule to the International Convention for the Regulation of Whaling 1946. These amendments came into effect on *12th September, 1952.*

(1) Paragraph 6 will read as follows, the underlined words being new:–

"6 It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° south latitude; provided that in the pelagic whaling season for baleen whales 1953 the taking of humpback whales shall be permitted on the 1st, 2nd and 3rd February and if the number of humpback whales taken on those three days is less than 1,250, the International Bureau of Whaling Statistics shall in their discretion specify one or more days later in the season on which further humpback whales may be taken, so as to bring the total up to a maximum of 1,250".

(2) Paragraph 8 (c) will read as follows, the underlined words being new:–

"8 (c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of Paragraph 6, including nil returns on days when no humpback whales are taken, shall be given at the end of each day on which the taking of humpback whales is permitted".

(3) Paragraph 8 (e) is deleted.

I hereby certify that the above is a true copy of the amendments to the Schedule to the International Convention for the Regulation of Whaling, 1946, made by the International Whaling Commission at their Fourth Annual Meeting in London, June 1952.

A. T. A. DOBSON
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1953

Done at London 26 June 1953

Entered into force 8 October 1953

Primary source citation: 4 UST 2179, TIAS 2866

INTERNATIONAL WHALING COMMISSION

Amendments to the Schedule to the International Whaling Convention 1946, as made by the Commission at its Fifth Meeting in London, 1953.

I hereby certify that, at its fifth meeting held in London in June, 1953, the International Whaling Commission, by resolution, made the following amendments to the Schedule to the International Whaling Convention signed in Washington on 2nd December, 1946.

Note. The amendments are shown in two parts, those shown in Part II being purely drafting amendments.

Part I

I Paragraph 6. Delete the proviso and insert the following:–
Provided that in any pelagic whaling season for baleen whales the killing of humpback whales shall be permitted on the 1st, 2nd, 3rd and 4th February.

II Paragraph 7 (a). At end add:–
Provided that no blue whales shall be taken before 16th January in any year.

III Paragraph 8 (a), Line 4; for "sixteen thousand" read "fifteen thousand five hundred".

IV Paragraph 8 (c) to be amended to read as follows, the new words being underlined:–
Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; Provided that when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 14,000, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

V Paragraph 8 (d) to be amended to read as follows, the new words being underlined:–
If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine on the basis of the data provided, the date on which the maximum catch of whales shall have been deemed to have been reached and shall notify the master of each Factory Ship and each Contracting

Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

Part II. Drafting Amendments

I Paragraph 4 shall read as follows, the underlined words being new:–

4. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:–

II Paragraph 5 shall read as follows, the underlined words being new:–

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

III Paragraph 6. The first two and a half lines of this paragraph shall read as follows, the underlined words being new:–

6. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude;

IV Paragraph 7 (a) shall read as follows, the underlined words being new:–

7 (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 2nd January to 7th April following, both days inclusive.

V Paragraph 7 (b) shall read as follows, the underlined words being new:–

7 (b) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

VI Paragraph 7 (c) shall be deleted and the following new subparagraph shall be inserted in lieu:–

7 (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto:

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.

VII Paragraph 7(d). The following new sub-paragraph shall be inserted, as sub-paragraph 7 (d).

7(d) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

VIII Paragraph 10(a) shall read as follows, the underlined words being new:–

10(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

IX Paragraph 10(b). The first six lines of this sub-paragraph shall read as follows, the underlined words being new:–

10(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government;

X Paragraph 10(c). The first six lines of this sub-paragraph shall read as follows, the underlined words being new:–

10(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight consecutive months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph.

XI Paragraph 10(d). The first five and a half lines shall read as follows, the underlined words being new:–

10(d) Each Contracting Government shall declare for all land stations under its jurisdiction, and for whale catchers attached to such land stations, one open season not to exceed six consecutive months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in subparagraph (b) of this paragraph);

XII Paragraph 10(e) shall be deleted and sub-paragraph 10(f) shall be renumbered 10(e).

XIII Paragraph 12. A new sub-paragraph 12(a) shall be inserted as follows, existing sub-paragraphs 12(a) and 12(b) being renumbered 12(b) and 12(c) respectively:–

12(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8, or 10 of this Schedule.

XIV In Paragraph 12(b), as renumbered, insert the word "other" after the opening word "All".

XV Paragraph 18. At end add the following new sentence:–

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

This involves a consequential amendment, the figure (1) being inserted after 18.

And I hereby further certify that these amendments were communicated to each and every Contracting Government by letter dated 30th June, 1953, and no objections having been received, came into force on 8th October, 1953, the 90 days following the notification of the amendments to each Contracting Government, as prescribed by Article V of the International Whaling Convention 1946, being deemed to have expired on 7th October, 1953, at midnight, 24 hours.

A. T. A. DOBSON
Secretary to the Commission

19th October, 1953.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Tokyo, 1954

Done at Tokyo 23 July 1954

*Entered into force 8 November 1954 except for those Amendments which entered into force 17 and 24 February 1955, respectively**

Primary source citation: 6 UST 645, TIAS 3198

INTERNATIONAL WHALING COMMISSION
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Secretary: A. T. A. DOBSON (U.K.)

6 August 1954

THE SECRETARY OF STATE
OF THE UNITED STATES,
Washington

Ref. No. A. S. 6

Circular letter to all Contracting Governments
Sixth Meeting. Amendments to the Schedule

SIR,

At the sixth meeting of the Commission held at Tokyo from the 19th–23rd July, both inclusive, a number of amendments were made to the Schedule to the International Whaling Convention 1946.

Under the provisions of the Convention (Article V), these amendments have to be notified to each Contracting Government and cannot become effective until the expiration of 90 days and only then, provided that no objections are received during that period.

The 90 day period will be deemed to have expired at midnight (24 hours) on 7th November, 1954, and if no objections are received, the amendments will come into operation as from 8th November, 1954, and you will be notified immediately to that effect.

* The Amendments to Paragraph 4(2) are not in force for the United States.

The amendments, a list of which is enclosed, are related to the existing Schedule, the latest copy of which is dated December 1953 and is already in your possession.

In the event of the Re-arranged Schedule (which was approved by the Commission at their Fifth Meeting in 1953) coming into force before 7th November 1954, and only one assent is at the moment outstanding, then the amendments enclosed (if and when they become operative) will be inserted in their proper place in that Schedule, of which copies will then be sent to you.

A copy of this letter with its enclosed list of amendments is being sent to each Commissioner,

I am, Sir,
Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission

List of the amendments to the Schedule, made by the International Whaling Commission at the Sixth Meeting at Tokyo 1954

1. In Paragraph 4, Insert the following two new sub-Paragraphs, the existing paragraph numbered 4 being renumbered 4(3). 4(1) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of 5 years. 4(2) It is forbidden to use a whale catcher attached to a factory ship or to a land station for the purpose of killing or attempting to kill blue whales for a period of 5 years in the North Pacific Ocean between 20° North Latitude and 66° North Latitude eastward of a line running south from 66° North Latitude along the meridian 168°58′22.69″ West Longitude to 65°15′ North Latitude; thence southwest-ward along a great circle course to the intersection of 51° North Latitude and 167° East Longitude; thence southeast-ward along a great circle course to the intersection of 48° North Latitude and 180° Longitude; thence south along the meridian 180° Longitude to 20° North Latitude.

2. In Paragraph 6, Insert the following sub-Paragraphs, the existing paragraph numbered 6 being now re-numbered 6(3). 6(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of 5 years. 6(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of 5 years.

3. Paragraph (6) now to be re-numbered 6(3) shall read as follows:

"It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2nd, 3rd and 4th February in any year.

4. In Paragraph 7(a), for "2nd January" substitute "7th January." Omit the proviso at end and insert the words "and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 21st January in any year." Paragraph 7(a) as so amended will then read as follows, the new words being underlined:—
"7(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period 7th January to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 21st January in any year."

5. Insert a new sub-Paragraph 7(b) as follows:—

"7(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c) (d) and (e) of this paragraph."

The existing sub-paragraphs (b) (c) and (d) will then become (c) (d) and (e) respectively.

6. In Paragraph 9(b), for the words "60 feet (18.3 metres)" read "57 feet (17.4 metres)."

7. At end of Paragraph 10(d) add the following words:—

"Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months."

Note. The above amendments will become effective as from 8th November 1954, provided no objections are received during the 90 day period provided for in Article V of the International Whaling Convention 1946.

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INTERNATIONAL WHALING COMMISSION
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Vice-Chairman: Dr. G. J. LIENESCH (NETHERLANDS)
Secretary: A. T. A. DOBSON (U.K.)

8th November, 1954

THE SECRETARY OF STATE,
United States Dept.,
Washington, 25. D. C.
U. S. A.

A. S. VI

SIR,

Circular letter to all Contracting Governments
Amendments to the Schedule

I beg to refer to my circular letter of 6th August, 1954 on the above subject, and to inform you that the 90 day period during which it was possible for objections to be lodged to the amendments to the Schedule set out in the enclosure to that circular, expired at midnight (24 hours) on 7th November, 1954.

On Friday, 5th November 1954, an objection was delivered by hand at the offices of the Commission by the Government of ICELAND to the amendment in Paragraph 4 which forbids the killing or attempting to kill blue whales in the North Atlantic Ocean for a period of 5 years.

On Saturday, 6th November 1954, an objection was notified to the Commission by the Government of JAPAN to the amendment also in Paragraph 4 which forbids the killing or attempting to kill blue whales in the North Pacific Ocean for a period of 5 years, within the area set out in detail in the enclosure to the Circular of 6th August 1954.

No objections have been received from any other Contracting Government.

In the light of these two objections and having regard to Article V of the 1946 Convention, it therefore follows that all the other amendments set out in the enclosure to the Circular of 6th August, 1954, become automatically operative as from 8th November, 1954, the date of this Circular. For your convenience a further copy of the enclosure is enclosed.

The two amendments in respect of Blue Whales in the North Atlantic and North Pacific Oceans, must therefore remain inoperative for a further period of 90 days which will be deemed to expire at midnight (24 hours) on 5th February, 1955, in case further objections are received. A further letter will be addressed to you on the expiration of this second 90 day period.

In the meantime steps will be taken to have the Schedule (dated December, 1953) reprinted (in accordance with the standing directions of the Commission) and this reprint will show the new amendments now in force. This reprint will be sent to you as soon as possible.

A copy of this circular is being sent to each Commissioner.

I am, Sir,
Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission.

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DEPARTMENT OF STATE
WASHINGTON

January 6 1955

THE SECRETARY
TO THE INTERNATIONAL WHALING COMMISSION,
London.

SIR:

By a note dated August 24, 1954 you were informed that the Government of the United States interposed no objection to the amendment of certain paragraphs of the Schedule annexed to the International Whaling Convention of 1946. The amendments in question were proposed by the International Whaling Commission at its Sixth Meeting at Tokyo in July 1954 and reported to the Contracting Governments in your circular communication of August 6, 1954. Meanwhile, we are informed by your circular letter dated November 8, 1954 that the Governments of Japan and Iceland interposed objection to the proposed prohibitions against the killing of blue whales in the North Pacific and North Atlantic Oceans, respectively.

Availing itself of the right to reconsider its earlier approval of these amendments, as granted by Article V of the International Whaling Convention, the Government of the United States now feels constrained to lodge objection to the contemplated prohibition against killing blue whales in the North Pacific Ocean, and you are so informed. This decision is taken in the belief that unless this prohibition were to apply to Japan the objectives thereof would be negated, and therefore no useful purpose would be served by the United States binding itself to the restriction.

The objection by the Government of Iceland to a similar prohibition vis-a-vis the North Atlantic Ocean does not, in the view of the United States, have the same preclusive effect and, accordingly, the Government of the United States reaffirms its earlier approval of this measure.

Very truly yours,
For the Secretary of State:

David McK. Key
Assistant Secretary

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INTERNATIONAL WHALING COMMISSION
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Vice-Chairman: Dr. G. J. LIENESCH (NETHERLANDS)
Secretary: A.T.A. DOBSON (U.K.)

17th February 1955

THE SECRETARY OF STATE OF THE UNITED STATES
State Department,
Washington 25 D. C.
U. S. A.

Ref. No. A. S. VI

Circular to all Contracting Governments
Amendments to the Schedule

The Secretary begs to refer to his circular of 11th February, 1955, on the above subject, and to say, for the information of your Government, that no further objection has been received to the amendment prohibiting the taking of blue whales in the North Pacific Ocean for a period of 5 years, nor have any of the original objections been withdrawn.

This amendment becomes operative therefore from the 17th February, 1955.

A copy of the amendment is set out below and it is requested that you will make a note of it in the Schedule of which a copy of the latest edition, dated December 1954, was duly sent to you. A further circular will be sent to you in due course regarding the other amendment dealing with the taking of blue whales in the North Atlantic.

A copy of this circular is being sent to each Commissioner.

Amendment. Before existing Paragraph 4 in the Schedule insert the following new sub paragraph:–

It is forbidden to use a whale catcher attached to a factory ship or to a land station for the purpose of killing or attempting to kill blue whales for a period of 5 years in the North Pacific Ocean between 20° North Latitude and 66° North Latitude eastward of a line running south from 66° North Latitude along the meridian 168°58′22.69″ West Longitude to 65°15′ North Latitude; thence southwest-ward along a great circle course to the intersection of 51° North Latitude and 167° East Longitude; thence southeast-ward along a great circle course to the inter-section of 48° North Latitude and 180° Longitude; thence south along the meridian 180° Longitude to 20° North Latitude.*

*This sub-paragraph which came into operation on 17th February, 1955, is not binding on Japan, U. S. A., Canada and the U. S. S. R., all of whom objected to it within the prescribed period.

INTERNATIONAL WHALING COMMISSION
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Vice-Chairman: Dr. G. J. LIENESCH (NETHERLANDS)
Secretary: A. T. A. DOBSON (U.K.)

24th February, 1955

THE SECRETARY OF STATE OF THE UNITED STATES,
State Department,
Washington 25, D.C.,
USA.

Ref. A.S. VI

Circular to all Contracting Governments
Amendments to the Schedule

The Secretary begs to refer to his circular of 17th February, 1955, on the above subject and to inform you that no further objection has been received to the amendment prohibiting the taking of blue whales in the North Atlantic for a period of five years, nor have any of the original objections been withdrawn.

This amendment becomes operative therefore from the 24th February, 1955.

A copy of the amendment is set out below and it is requested that you will make a note of it in the Schedule of which the latest copy dated December 1954, was sent to you at the time.

A copy of this circular is being sent to each Commissioner.

Amendment – to be inserted before Paragraph 4 of the Schedule as a new sub-paragraph.

"It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years."

[This paragraph does not apply to Iceland or Denmark].

Now that the two remaining amendments of those made at Tokyo have come into operation on the 17th and 24th February, 1955 respectively, it is possible to put them in their proper place in relation to Paragraph 4 and for your convenience a copy is enclosed of the amendments properly numbered as they will appear in the Schedule when it comes to be reprinted. The enclosed sheet is intended to be inserted in the copy of the Schedule which is dated December, 1954.

Amendments to the Schedule

For insertion between pp 2 and 3 of the Copy of the Schedule to the International Whaling Convention 1946 dated December 1954.

Paragraph 4 of the Schedule becomes Paragraph 4(3) and the following paragraphs are inserted as 4(1) and 4(2) respectively.

4(1) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of 5 years.*

4(2) It is forbidden to use a whale catcher attached to a factory ship or to a land station for the purpose of killing or attempting to kill blue whales for a period of 5 years in the North Pacific Ocean between 20° North Latitude and 66° North Latitude eastward of a line running south from 66° North Latitude along the meridian 168°58′22.69″ West Longitude to 65°15′ North Latitude; thence southwest-ward along a great circle course to the intersection of 48° North Latitude and 180° Longitude to 20° North Latitude.†

*This paragraph was objected to within the prescribed period ending 7th November 1954 by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on 24th February, 1955 but is not binding on Iceland and Denmark.
†This paragraph was objected to within the prescribed period ending 7th November 1954 by the Government of Japan and subsequently by those of the U. S. A., Canada and the U. S. S. R. None of these objections were withdrawn, and the paragraph came into operation on 17th February, 1955, but is not binding on Japan, U. S. A., Canada and the U. S. S. R.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Moscow, 1955

Done at Moscow 23 July 1955

*Entered into force 8 November 1955 except for those Amendments which entered into force 7 March 1956**

Primary source citation: 7 UST 657, TIAS 3548

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Secretary: A. T. A. DOBSON (U.K.)

5th August, 1955.

Ref: AS VII

Circular letter to all Contracting Governments

Amendments to the Schedule
Seventh Meeting

SIR,

I have the honour to inform you that the seventh meeting of the Commission which opened in Moscow on 18th July, was concluded on 23rd July.

A copy of the Chairman's Report will be sent to you with as little delay as possible, but in the meantime it is necessary that Contracting Governments should be notified at once of the amendments to the Schedule which the Commission made at the meeting in question. They were four in number as follows:–

1. Paragraph 4 (2) of the Schedule, which was inserted at the Tokyo meeting and prohibits the taking of blue whales in part of the North Pacific Ocean for a period of five years, was rescinded.

2. Paragraph 5 of the Schedule (which creates a sanctuary of Areas I and VI) is rendered inoperative for a period of three years, at the termination of which it will automatically become operative again.

3. Paragraph 7(a) line 5 For 21st January read 1st February.

4. Paragraph 8 (a) line 3 For "Fifteen thousand five hundred blue-whale units" read "Fifteen thousand blue-whale units" and add the words "in the season 1955/56 and fourteen thousand five hundred blue-whale units thereafter."

* The Amendments to Paragraph 8(a) and 8(c) are not in force for the United States.

Consequentially in Paragraph 8 (c)—line 6, for 14000 substitute the words "13500 in the season 1955/56 and 13000 thereafter."

In accordance with the provisions of Article V (3) of the International Whaling Convention 1946, these amendments will become effective ninety days following their notification to Contracting Governments, unless any objections are received within that period. The ninety day period will be deemed to have expired at midnight (24 hours) on 7th November, 1955, when a further communication will be addressed to you.

A copy of this letter is being sent to each Commissioner.

I am, Sir,
Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission

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INTERNATIONAL WHALING COMMISSION
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Chairman: Dr. G. J. LIENESCH (Netherlands)
Vice-Chairman: R. G. R. WALL (U.K.)
Secretary: A. T. A. DOBSON (U.K.)

8TH NOVEMBER 1955

Ref: AS VII

Circular letter to all Contracting Governments and Commissioners
Amendments to the Schedule (Moscow)

SIR,

I beg to refer to my circular letter of 5th August 1955, in which were set out the amendments to the Schedule to the International Whaling Convention 1946 (made at the Moscow Meeting), and to inform you that as no objections have been received up to midnight (24 hours) on 7th November, 1955, to certain of those amendments, the following amendments come into operation as from today, 8th November, 1955.

1) Paragraph 4 (2) of the Schedule (prohibiting the taking of blue whales in part of the North Pacific Ocean for a period of 5 years), is rescinded.

2) Paragraph 5 of the Schedule (which creates a Sanctuary of Areas I & VI) is rendered inoperative for a period of three years from 8th November 1955, after which it will automatically become operative again.

3) Paragraph 7 (a), line 5, for 21st January read 1st February.

As regards the amendment to Paragraph 8 (a) of the Schedule (numbered 4 in my circular of 5th August 1955), which deals with the reduction in the 15,500 blue whale unit limit, it will be recalled that this amendment was moved in two parts (a) as regards the 1955/56 Season and (b) thereafter.

No objection has been received to the reduction of 500 proposed for the Season 1955/56, and that amendment comes into operation accordingly from 8th November, 1955, and is as follows:–

Paragraph 8 (a) of the Schedule line 3, For "Fifteen thousand five hundred blue-whale units" read "Fifteen thousand blue-whale units" and add the words "in the Season 1955/56".

Paragraph 8 (c) of the Schedule, line 6. For "14,000" substitute the words "13,500 in the Season 1955/56".

As you have already been notified however in my circular of 4th November, 1955, an objection was received from the Government of the Netherlands to the further reduction, by 500 units, to 14,500 blue-whale units after the Season 1955/56. It follows, therefore, that this particular amendment must remain inoperative for a further period of 90 days. A further communication as regards this amendment will be sent to you at the conclusion of this period, which will be deemed to expire at midnight (24 hours) on 5th February, 1956.

In due course, in accordance with the standing instructions of the Commission, the Schedule, showing the new amendments, will be reprinted and circulated.

A copy of this letter is being sent to each Commissioner.

I am, Sir,
Your obedient servant,

A. T. A. DOBSON
Secretary to the Commission.

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DEPARTMENT OF STATE
WASHINGTON

January 25 1956

THE SECRETARY
TO THE INTERNATIONAL WHALING COMMISSION,
London.

SIR:

Reference is made to your circular communication of November 8, 1955 regarding the status of certain proposed amendments to the Schedule annexed to the International Whaling Convention of 1946, which amendments were proposed by the International Whaling Commission at its Seventh Meeting held at Moscow July 18–23, 1955.

It is noted that the Netherlands Government, while agreeing to a reduction from 15,500 to 15,000 in the number of blue whale units which may be taken during the 1955/56 season, interposed objection to a further reduction to 14,500 blue whale units thereafter. Under the terms of Article V of the International Whaling Convention, this objection will cause an additional ninety day period to run from November 7, 1955 during which Contracting Governments may reconsider their original position on the amendment to which objection has been made.

By a communication dated September 3, 1955 the Government of the United States informed you that it interposed no objection to the amendments proposed by the International Whaling Commission at its Seventh Meeting. However, upon re-examining this position in the light of subsequent developments, the Government of the United States feels it should now register objection to a reduction in the allowable blue whale units from 15,000 to 14,500 for the whaling seasons following that of 1955/56. The International Whaling Commission is so informed.

The position of the Government of the United States in this matter stems solely from considerations of the anomalous situation created when all Contracting Governments do not accept the same seasonal limitation on blue whale units which may be taken. Irrespective of whether the amendment in question ultimately takes effect with respect to any Contracting Government, it would seem appropriate and desirable to include on the Agenda for the Commission's Eighth Meeting an item permitting consideration of the applicable limit for blue whale units beginning with the 1956/57 whaling season. It is so recommended.

Very truly yours,
For the Secretary of State:

FRANCIS O. WILCOX
Assistant Secretary of State

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INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: Dr. G. J. LIENESCH (Netherlands)
Vice-Chairman: R. G. R. WALL (U.K.)
Secretary: A. T. A. DOBSON (U.K.)

7TH MARCH, 1956.

Ref. AS.VII

Circular to all Contracting Governments and Commissioners
Amendments to the Schedule (Moscow Meeting)

SIR,

I beg to refer to my previous circulars on the above subject and to forward herewith a notification as to the coming into force upon today's date of the amendments to the Schedule made at the Moscow meeting, to which objections were lodged.

I am, Sir,

Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission

[*Enclosure*]

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INTERNATIONAL WHALING COMMISSION
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Secretary: A. T. A. DOBSON (U.K.)

7TH MARCH, 1956

Ref AS.VII

Note to all Contracting Governments and Commissioners
Amendments to the Schedule (Moscow)

Reference is made to the earlier circulars on the subject of the amendments to the Schedule to the International Whaling Convention of 1946 made at the Moscow Meeting, and it is recalled that, as indicated in the circular of 8th November, 1955, a number of these amendments came into force as from that date.

The amendment for reducing by a further 500 units the blue whale unit limit after the Season 1955/56 was objected to by the Government of the Netherlands and has since been objected to by the Governments of the U.K., Panama, South Africa, Norway, Japan, U.S.A. and Canada. The period for receiving objections was accordingly

extended (by virtue of Article V of the Convention) until (24 hours) 6th March, 1956. No further objections having been received, this amendment is now in force as from 7th March, 1956, but is not binding on the eight countries mentioned.

Paragraph 8 (a) of the Schedule will accordingly read as follows:–

8 (a). The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in the season 1955/56 and fourteen thousand five hundred blue-whale units thereafter.

Paragraph 8 (c) of the Schedule will read as follows in line 5:–

8 (c). Provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 in the season 1955/56 and 13,000 thereafter, notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

In both sub-paragraphs the underlined words shall not apply to the Netherlands, United Kingdom, Panama, South Africa, Norway, Japan, U.S.A. and Canada.

Now that the amendments made at the Moscow meeting are in force, subject to what has been indicated above, a reprint of the Schedule will be issued as soon as possible, in accordance with the standing instructions of the Commission.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1956

Done at London 20 July 1956

Entered into force 1 November 1956

Primary source citation: 8 UST 69, TIAS 3739

INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S. W. 1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: Dr. G. J. LIENESCH (Netherlands)
Vice-Chairman: R. G. R. WALL (U.K.)
Secretary: A.T. A. DOBSON (U.K.)

1ST NOVEMBER, 1956

Ref. No. AS VIII

Circular to all Contracting Governments and Commissioners.
Amendments to the Schedule, Eighth Meeting

SIR,

I beg to refer to my circular of 23rd July, 1956, (and subsequent circular of 2nd August, 1956) on the above subject and to say that the ninety day period referred to therein expired at midnight (24.00 hours) on 31st October, 1956. Up to that time no objections had been received to the amendments to the Schedule (Paragraphs 8 (a) and 8 (c)) set out in those circulars. These amendments come automatically into operation therefore from the date of this circular (1st November, 1956). The paragraphs as amended now read as follows:–

Paragraph 8 (a):

"(a) The number of baleen whales taken during the open season caught in waters south of 49° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue whale units in any one season, provided that in the season 1956/57 the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred blue whale units."

Paragraph 8 (c):

"(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to

have reached 13,500 (but 13,000 in the season 1956/57) notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken."

A revised copy of the Schedule to the Convention, 1946, containing the two paragraphs as amended, will be printed and sent to you as soon as possible, in accordance with the standing directions of the Commission.

I am, Sir,
Your obedient Servant,

A. T. A. DOBSON
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1957

Done at London 28 June 1957

Entered into force 4 October 1957

Primary source citation: 8 UST 2203, TIAS 3944

INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S. W. 1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: Dr. G. J. LIENESCH (Netherlands)
Vice-Chairman: R. G. R. WALL (U.K.)
Secretary: A. T. A. DOBSON (U.K.)

4 OCTOBER, 1957

THE SECRETARY OF STATE
OF THE UNITED STATES,
State Department,
Washington 25, D.C., U.S.A.

A. S. IX

SIR,

Circular Letter to all Contracting Governments
Ninth Meeting. Amendments to the Schedule

The Secretary to the Commission begs to refer to his circular of 1 July, 1957, headed as above, and to state, for the information of your Government, that no objections have been received to any of the four amendments to the Schedule to the International Whaling Convention 1946, as made at the Commission's ninth meeting and set out in detail in the circular under reference.

As the ninety day period provided for in the Convention expired at midnight (24 hours) on 3 October 1957, the amendments in question came into operation as from today, 4 October, 1957. For convenience sake, the amendments are set out on the reverse of this communication and will be incorporated in a revise of the Schedule as soon as it can be printed, in accordance with the Commission's standing instructions.

A copy of this letter is being sent to each Commissioner.

I am, Sir,
Your obedient Servant

A. T. A. DOBSON
Secretary to the Commission.

List of Amendments to the Schedule made at the Ninth Meeting of the Commission 1957, which came into operation, in the absence of objections on 4 October 1957.

Schedule. Paragraph 5

For the words in square brackets substitute the following:–

"This article, as a result of the seventh meeting in Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8th November, 1958, after which it will automatically become operative again on 8th November, 1959."

Schedule. Paragraph 8 (a)

Fourth line for "1956/57" read "1957/58."

Schedule. Paragraph 8 (c) Consequential

Last line but one for "1956/57" read "1957/58".

Schedule. Paragraph 11

At end add:–

"provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals."

Amendments to the Schedule to the International Convention for the Regulation of Whaling, The Hague, 1958

Done at The Hague 27 June 1958

Entered into force 6 October 1958 except for those Amendments which entered into force 29 January 1959

Primary source citation: 10 UST 330, TIAS 4193

INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Secretary: A. T. A. DOBSON

1ST JULY, 1958.

Reference No.: ASX

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

SIR,

I am writing to inform you that the Tenth Meeting of the Commission was concluded at The Hague on Friday, 27th June, 1958. Various decisions were taken at that meeting which will be communicated to you separately.

It is important, however, that you should be notified without delay of the amendments to the Schedule to the International Whaling Convention 1946 which the Commission decided to make at that meeting.

They are as follows:–

Paragraph 6(1). At end of paragraph, omit the words "of five years" and insert the words "ending on 8th November, 1964".

Paragraph 6(2). In the second line amend "70" to "60"; at end of paragraph, omit the words "of five years" and insert the words "ending on 8th November, 1964".

These two amendments were passed unanimously by all those Voting.

Paragraph 8(a). In fourth line, for 1957/58 substitute 1958/59.

Paragraph 8(c). In seventh line, for 1957/58 substitute 1958/59.

These two amendments were passed, with one abstention, the Netherlands dissenting.

By virtue of the provisions of Article V of the International Whaling Convention, 1946, each of these amendments will become effective with respect to each Contracting Government ninety days following the notification of the amendments to each Contracting Government, unless any Contracting Government presents an objection to the Commission, in which case the procedure outlined in Article V (3) has to be followed.

The ninety day period referred to will be deemed to have expired on *6th October 1958* and, in the absence of objection by that date, the amendments will then become effective and you will be notified accordingly.

It is particularly requested that you will acknowledge the receipt of this letter. If no objection is received by the date mentioned, it will be assumed that your Government is content that the new amendments shall become effective.

A copy of this letter is being sent to each of the seventeen Commissioners.

I am, Sir,
Your obedient servant,

A. T. A. DOBSON
Secretary to the Commission

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INTERNATIONAL WHALING COMMISSION
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Chairman: R. G. R. WALL (U.K.)
Vice-Chairman: G. R. CLARK (Canada)
Secretary: A. T. A. DOBSON

6 OCTOBER, 1958.

Ref. No. AS X

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

The Secretary begs to refer to his circular on the above subject of *1 July 1958* and to ask you to inform your Government that the amendments as set out therein to Paragraphs 6(1) and 6(2) of the Schedule have not been the subject of any objection up to 6 October 1958, and therefore come into force as from that date.

For convenience, these two amendments are set out overleaf.

As regard the amendments to Paragraph 8(a) and 8(c) of the Schedule (which are also set out overleaf), an objection has already been received from the Netherlands Government, as indicated in the Secretary's letter of 19 August 1958, and has since been followed by an objection from the Government of Norway as notified to you in the Secretary's letter of 24 September, 1958.

It follows therefore that these last two amendments must remain inoperative for at least an additional period of 90 days from 6 October 1958, that is to say until midnight (24 hours) on 4 January, 1959. Even then, the amendments in question will not be operative against the Netherlands and Norwegian Governments.

A copy of this circular is being sent to each Commissioner.

P.T.O.

AMENDMENTS TO THE SCHEDULE

Operative from 6 October, 1958

Paragraph 6(1). At end of paragraph, omit the words "of five years" and insert the words "ending on 8th November, 1964".

Paragraph 6(2). In the second line amend "70" to "60"; at end of paragraph, omit the words "of five years" and insert the words "ending on 8th November, 1964".

Inoperative at present

Paragraph 8(a). In fourth line, for 1957/58 substitute 1958/59.

Paragraph 8(c). In seventh line, for 1957/58 substitute 1958/59.

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INTERNATIONAL WHALING COMMISSION
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Chairman: R. G. R. WALL (U.K.)
Vice-Chairman: G. R. CLARK (Canada)
Secretary: A. T. A. DOBSON

29 JANUARY, 1959

Ref:-AS. X.

Circular Letter to all Contracting Governments
Amendments to the Schedule

The Secretary begs to refer to his circular letter of 30th December, 1958 and to previous circulars about the amendments to the Schedule (paragraphs 8(a) and 8(c)) to the International Whaling Convention 1946, and to say that the 30 day period from the date of the last objection having expired at midnight (24 hours) on 28th January, 1959, the two amendments in question (which are set out overleaf) come into operation on 29th January 1959. They are not, however, operative in the case of those countries whose Governments objected within the prescribed time, namely Norway, the Netherlands, the United Kingdom, Japan and the U.S.S.R.

In accordance with a standing instruction by the Commission, a reprint of the Schedule showing all the amendments made at the tenth Annual Meeting of the Commission at The Hague, and now in operation, will be sent to you as soon as it can be printed.

A copy of this circular is being sent to all Commissioners.

Amendments to the Schedule which became operative on 29th January, 1959

Paragraph 8(a). In fourth line, for 1957/58 substitute 1958/59.

Paragraph 8(c). In seventh line, for 1957/58 substitute 1958/59.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1959

Done at London 1 July 1959

Entered into force 4 October 1959 except for those Amendments which entered into force 3 January 1960

Primary source citation: 11 UST 32, TIAS 4404

INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S.W.1
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Chairman: R. G. R. WALL (U.K.)
Vice-Chairman: G. R. CLARK (Canada)
Secretary: R. S. WIMPENNY.

2ND JULY, 1959

Reference No.: AS XI

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

SIR,

I write to say that the Eleventh Meeting of the Commission was concluded in London on Wednesday, 1st July, 1959. Various decisions were taken at the meeting and these will be communicated to you separately.

It is important, however, that you should be notified without delay of the amendments to the Schedule to the International Whaling Convention 1946 which the Commission decided to make at that meeting.

They are as follows:–

Paragraph 1(a) Voting	
Yes	9
No	0
Abstain	3

At end of paragraph substitute semi-colon for full stop and add "provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals."

Paragraph 4(1)
Voting
Yes 7
No 0
Abstain 5

Delete paragraph 4(1) and substitute "4(1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965".
Delete asterisked footnote on page 2 of Schedule dated 12th March, 1959.

Paragraph 5
Voting
Yes 8
No 0
Abstain 6

After "8th November 1958" delete remainder of sentence and substitute "and again as a result of the Eleventh Meeting in London was rendered inoperative for a period of three years from 8th November 1959".

Paragraph 6(3)
Voting
Yes 7
No 1
Abstain 6

Delete "1st, 2nd, 3rd and 4th February in any year" and insert "for four days commencing 20th January in any year".

Paragraph 7(a)
Voting
Yes 6
No 1
Abstain 7

Delete "7th January" and substitute "28th December".

Paragraph 16
Voting
Yes 9
No 0
Abstain 3

Delete in third line from bottom of paragraph "(b) The number and aggregate gross tonnage of the whale catchers". and substitute "(b) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers."

Paragraph 17(c)
Voting
Yes 9
No 0
Abstain 3

Add the following:- "(4) on the Pacific coast of the United States of America between 35 degrees North Latitude and 49 degrees North Latitude."

By virtue of the provisions of Article V of the International Whaling Convention, 1946, each of these amendments will become effective with respect to each Contracting Government ninety days following this notification of the amendments to each Contracting Government, unless any Contracting Government presents an objection to the Commission, in which case the procedure in Article V(3) has to be followed.

The ninety day period referred to will be deemed to have expired *at 2400 hours on 4th October, 1959* and, in the absence of objection by that date, the amendments will then become effective and you will be notified accordingly.

No action was taken in connection with the blue whale unit limit (Paragraph 8(a) of the Schedule) and in the 1959/60 season this limit will therefore be fifteen thousand blue whale units. The words in Paragraphs 8(a) and (c) of the Schedule which relate only to the 1958/59 season will therefore be omitted when the Schedule is reprinted.

It is particularly requested that you will acknowledge the receipt of this letter, a copy of which is being sent to each of the fifteen Commissioners.

I am, Sir,
Your obedient servant,

R S WIMPENNY
Secretary to the Commission

INTERNATIONAL WHALING COMMISSION
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Vice-Chairman: G. R. CLARK (Canada)
Secretary: R. S. WIMPENNY.

7TH OCTOBER, 1959

Ref: AS XI

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his letter of 2nd July, 1959, and now writes to inform you that no objections were received up to 4th October, 1959, to the amendments to paragraphs 1(a), 5, 6(3), 7(a), 16 and 17(c) of the Schedule to the Convention. These amendments, which for convenience are set out overleaf, therefore come into force as from that date.

As stated in the Secretary's letter of 1st October, 1959, however, the amendment to paragraph 4(1) of the Schedule forbidding the killing of blue whales in the North Atlantic for five years ending on 24th February, 1965, was the subject of objection by the Icelandic Government on 29th September, 1959. This amendment therefore, remains inoperative at least until midnight on 2nd January, 1960.

A copy of this letter is being sent to all Commissioners.

Paragraph 1(a) — At end of paragraph substitute semi-colon for full stop and add "provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals."

Paragraph 5 — After "8th November 1958" delete remainder of sentence and substitute "and again as a result of the Eleventh Meeting in London was rendered inoperative for a period of three years from 8th November, 1959".

Paragraph 6(3) — Delete "1st, 2nd, 3rd and 4th February in any year" and insert "for four days commencing 20th January in any year".

Paragraph 7(a) — Delete "7th January" and substitute "28th December".

Paragraph 16 — Delete in third line from bottom of paragraph "(b) The number and aggregate gross tonnage of the whale catchers", and substitute "(b) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers."

Paragraph 17(c) — Add the following:– "(4) on the Pacific coast of the United States of America between 35 degrees North Latitude and 49 degrees North Latitude."

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INTERNATIONAL WHALING COMMISSION
3, WHITEHALL PLACE, LONDON, S.W.1
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Chairman: R. G. R. WALL (U.K.)
Vice-Chairman: G. R. CLARK (Canada)
Secretary: R. S. WIMPENNY.

6TH JANUARY, 1960.

Ref: AS X1

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his letter of 1st October, 1959 about the objection of the Icelandic Government to the amendment the Commission decided to make at the Eleventh Meeting to Paragraph 4(1) of the Schedule.

As a result of the objection of the Icelandic Government the amendment remained inoperative for a second period of 90 days ending at midnight on 2nd January, 1960. No further objections have been received and the amendment, which for convenience is set out below, therefore came into operation from 3rd January, 1960 in respect of all Contracting Governments with the exception of the Icelandic Government.

Amendment to Paragraph 4(1) of Schedule:–

delete the existing paragraph and substitute "It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965*". Delete the footnote on page 2 of the Schedule and insert "*This paragraph was objected to within the prescribed period ending 4th October, 1959 by the Government of Iceland. The objection was not withdrawn and the paragraph came into force on 3rd January, 1960 but is not binding on Iceland."

A copy of this letter is being sent to all Commissioners.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1960

Done at London 24 June 1960

Entered into force 23 and 26 January 1961

Primary source citation: 13 UST 493, TIAS 5014

INTERNATIONAL WHALING COMMISSION
10, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: R. G. R. WALL (U.K.)
Vice Chairman: G. R. CLARK (Canada)
Secretary: R. S. WIMPENNY.

29TH JUNE, 1960

AS XII

Circular Letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

SIR,

The Twelfth Meeting of the Commission was concluded in London on Friday 24th June. Various decisions were taken at the meeting and these will be communicated to you separately.

I am, however, notifying you without delay of the amendments to the Schedule to the International Whaling Convention 1946 which the Commission decided to make at that meeting. The amendments are as follows:–

Paragraph 6(2)	
Voting	
Yes	11
No	1
Abstain	1

Retain the text of the present paragraph 6(2) but call it 6(2) (a). Add a new sub-paragraph (b) "It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during 1961, 1962 and 1963".

Paragraph 6(3)	
Voting	
Yes	11
No	1
Abstain	1

Insert a new sub-paragraph (a) "It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in the waters south of 40° South Latitude between 130° East Longitude and 170° West Longitude during 1961, 1962 and 1963 except for three days commencing the 20th January in each year."

Voting		Retain the text of the present sub-paragraph (3) but call it (3) (b) and insert between the words "any" and "waters" in the second line the word "other".
Yes	11	
No	1	
Abstain	1	
Paragraph 7(a)		Delete "1st February" and substitute "14th February."
Voting		
Yes	11	
No	0	
Abstain	2	
Paragraph 8(a)		Delete the words "in any one season" in the last line and substitute "in 1962/63 or in any subsequent season".
Voting		
Yes	7	
No	2	
Abstain	4	

By virtue of the provisions of Article V of the International Whaling Convention, 1946, each of these amendments will become effective with respect to each Contracting Government ninety days following this notification, unless any Contracting Government presents an objection to the Commission, in which case the procedure in Article V(3) has to be followed.

The ninety day period referred to will be deemed to have expired at midnight on 27th September, 1960 and in the absence of objection by that date the amendments will then become effective and you will be notified accordingly.

It is particularly requested that you will acknowledge the receipt of this letter, a copy of which is being sent to each Commissioner.

I am, Sir, Your obedient servant,

R S WIMPENNY
Secretary to the Commission.

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
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Chairman: G. R. CLARK (Canada)
Vice-Chairman: B. C. ENGHOLM (U.K.)
Secretary: R. S. WIMPENNY.

27TH DECEMBER, 1960

A.S. XII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his circular communication of 28th September, 1960 in which Contracting Governments were informed of the objections of the Japanese Government to the amendments to paragraphs 6(2), 6(3), 7(a) and 8(a) of the Schedule.

In letters received on 22nd December, 1960 the Secretary was informed that the Governments of Norway and of the United Kingdom object to the amendments to paragraphs 6(2), 6(3) and 7(a) of the Schedule. The text of both

letters of objection is attached. In a letter received on 23rd December, 1960 from the Charge d'Affaires of the Soviet Embassy in Great Britain the objection of the Government of the Union of Soviet Socialist Republics was lodged to the amendment to paragraph 8(a) of the Schedule; and in a further letter received on 26th December, 1960 the objections of the Government of the U.S.S.R. were lodged to the amendments to paragraphs 6(2), 6(3) and 7(a) of the Schedule. English translations of these objections are also attached.

In accordance with the terms of Article V(3) of the Convention the amendments to paragraphs 6(2), 6(3) and 7(a) of the Schedule will now remain inoperative for a further 30 days from the date of receipt of the letter of objection from the Government of the U.S.S.R., that is until 25th January, 1961. Thereafter the amendments to these paragraphs of the Schedule will be binding on all Contracting Governments except the Governments of Japan, Norway, the United Kingdom and the U.S.S.R. or any other Contracting Government who under Article V(3) of the Convention registers objection before the end of the 30 day period on 25th January, 1961.

The amendment to paragraph 8 (a) of the Schedule will remain inoperative for a further 30 days from the date of receipt of the letter of objection from the Soviet Government, that is until 22nd January, 1961. Thereafter the amendment will be binding on all Contracting Governments except the Governments of Japan and the U.S.S.R. or on any other Contracting Government who registers an objection before the end of the 30 day period on 22nd January, 1961.

The Secretary requests an acknowledgement of the receipt of this communication, a copy of which is being sent to all Commissioners.

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
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Chairman: G. R. CLARK (Canada)
Vice-Chairman: B. C. ENGHOLM (U.K.)
Secretary: R. S. WIMPENNY.

26TH JANUARY, 1961

A.S.XII

Circular Communication to Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his circular communication of 27th December, 1960 and to previous communications about the amendments proposed by the Commission at the Twelfth Meeting of paragraphs 6(2), 6(3), 7(a) and 8(a) of the Schedule.

No further objections have been received to the amendments. The 30 day period expired on 22nd January 1961 in the case of the amendment of paragraph 8(a) and on 25th January 1961 in the case of the amendment of paragraphs 6(2), 6(3) and 7(a). The amendment of paragraph 8(a) therefore came into force on 23rd January 1961 and of paragraphs 6(2), 6(3) and 7(a) on 26th January 1961. They are not binding, however, upon those countries whose Governments registered objection within the prescribed period, namely Japan, Norway, United Kingdom and U.S.S.R. (amendment of paragraphs 6(2), 6(3) and 7(a)) and Japan and U.S.S.R. (amendment of paragraph 8(a)).

The text of the amendments were set out in the Secretary's letter of 29th June, 1960. In accordance with the Commission's standing instructions a reprint of the Schedule including the new amendments will now be made and copies will be sent to you as soon as they are available.

A copy of this circular is being sent to Commissioners.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1961

Done at London 23 June 1961

Entered into force 27 September 1961

Primary source citation: 13 UST 497, TIAS 5015

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: G. R. CLARK (Canada)
Vice-Chairman: B. C. ENGHOLM (U.K.)
Secretary: R. S. WIMPENNY.

28TH SEPTEMBER, 1961.

Ref. AS XIII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his letter of 28th June, 1961 about the amendments to the Schedule to the International Whaling Convention, 1946 which the Commission made at the Thirteenth Meeting.

No objections to the amendments were received from Contracting Governments within the 90 day period which ended at midnight on 26th September, 1961. In accordance with Article V(3) of the Convention the amendments, which for convenience are repeated overleaf, became binding on all Contracting Governments as from 27th September, 1961.

The Secretary requests an acknowledgment of receipt of this letter, a copy of which is being sent to all Commissioners.

The Schedule amendments made at the Thirteenth Meeting are as follows:-

Paragraph 6(1) — Add to the existing paragraph the sentence "Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose".

Paragraph 7(a) — Delete "28th December" and substitute "12th December".

Paragraph 7(e)	Add to the existing paragraph the sentence "Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned".
Paragraph 9(a)	After the words "provided that" in the eighth line insert a comma and the words "except in the North-east Pacific area for a period of three years starting 1st April, 1962,"
Paragraph 9(b)	Delete the words "provided in each case that" in the seventh and eighth lines and insert the words "provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1962, in each case"
Paragraph 12(b)	Add to the existing paragraph the sentence "A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph".

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1962

Done at London 6 July 1962

Entered into force 9 October 1962

Primary source citation: 14 UST 112, TIAS 5277

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1.

15TH OCTOBER, 1962.

Ref. AS. XIV

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his letter of 10th July, 1962 about the amendment to the Schedule to the International Whaling Convention, 1946 which the Commission made at the Fourteenth Meeting.

No objections to the amendment were received from Contracting Governments within the 90 day period which ended at midnight on 8th October, 1962. In accordance with Article V(3) of the Convention the amendment, which for convenience is repeated below, became binding on all Contracting Governments as from 9th October, 1962.

The Schedule amendment made at the Fourteenth Meeting was as follows:–

Paragraph 5: add to the sentence in brackets the words "and again, as a result of the fourteenth meeting, was rendered inoperative until the Commission otherwise decides".

The Secretary requests an acknowledgment of receipt of this letter, a copy of which is being sent to all Commissioners.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1963

Done at London 5 July 1963

Entered into force 9 October 1963

Primary source citation: 14 UST 1690, TIAS 5472

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: H. GARDNER (U.K.)
Secretary: R. S. WIMPENNY

10TH OCTOBER, 1963

A.S.XV.

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his letter of 10th July, 1963 about the amendments to the Schedule to the International Whaling Convention, 1946 which the Commission made at the Fifteenth Meeting.

No objections to the amendments were received from Contracting Governments within the 90 day period which ended at midnight on 8th October, 1963. In accordance with Article V(3) of the Convention the amendments which for convenience are repeated overleaf became binding on all Contracting Governments as from 9th October, 1963.

The Secretary requests an acknowledgement of receipt of this letter, a copy of which is being sent to all Commissioners.

The Schedule amendments made at the Fifteenth Meeting

Paragraph 1(a):	Insert the following words at the end of the first sentence "and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships".
Paragraph 5:	For the existing sentence in brackets substitute the following sentence "This paragraph as a result of a decision of the Fourteenth Meeting was rendered inoperative until the Commission otherwise decides".

Paragraph 6(2) (a):	Delete (a): Delete all the words in the second and third lines and substitute the words "of the Equator".
Paragraph 6(2) (b):	Delete.
Paragraph 6(3) (a):	Delete (a). Delete the existing wording and substitute the words "It is forbidden to kill or attempt to kill blue whales in the waters south of 40° south latitude, except in the waters north of 55° south latitude from 0° eastwards to 80° east longitude".
Paragraph 6(3) (b):	Delete.
Paragraph 8(a):	Delete the words "fifteen thousand blue-whale units in 1962/63 or in any subsequent season" and insert the words "ten thousand blue-whale units in 1963/64".
Paragraph 8(c):	Delete the figure 13,500 and insert 9,000.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1964

Done at London 26 June 1964

Entered into force 1 October 1964 except for those Amendments which entered into force 22 January 1965

Primary source citation: 15 UST 2547, TIAS 5745

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: H. GARDNER (U.K.)
Secretary: R. S. WIMPENNY

2ND JULY, 1964

A.S. XVI

SIR,

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

The Sixteenth Annual Meeting of the Commission closed on Friday 26th June, 1964. The various decisions taken at the meeting will be notified to you in due course, but this letter informs you of the amendments to the Schedule agreed upon by the Commission.

The Schedule amendments are as follows:—

Paragraph 2: For the existing sentence, substitute the following:—

"It is forbidden to take or kill gray whales or right whales except by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines."

Paragraph 4(1): Delete 1965 and insert 1970.

Paragraph 6(1): Delete 1964 and insert 1969.

Paragraph 6(3): Delete the words "except in the waters north of 55° south latitude from 0° eastwards to 80° east longitude.

Paragraph 9(a): Delete 1962 in the ninth line and insert 1965.

Paragraph 9(b): Delete 1962 in the eighth line and insert 1965.

In accordance with the provisions of Article V of the Convention these amendments will become effective with respect to each Contracting Government ninety days following the date of this letter, unless any Contracting Government lodges an objection in which case the procedure under Article V(3) will be followed.

The ninety-day period is deemed to expire at midnight on 30th September, 1964 and in the absence of objections by that date the amendments will become effective and you will be notified accordingly.

The Commission failed to agree on amendment of Article 8(a) of the Schedule.

It is requested that you acknowledge the receipt of this letter. A copy is being sent to each Commissioner.

I am, Sir,
Your obedient Servant,

R S WIMPENNY
Secretary to the Commission

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: ~~H. GARDNER (U.K.)~~
Secretary: R. S. WIMPENNY

1ST OCTOBER 1964

A. S. XVI

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his circular communication of 2nd July, 1964 about the amendments to the Schedule to the Convention which the Commission agreed upon at the Sixteenth Meeting.

In a letter dated 30th September, 1964 from the Japanese Ambassador in London, a copy of which is enclosed, the Secretary has been informed that the Government of Japan object to the amendment to paragraph 6(3) of the Schedule.

In accordance with Article V(3) of the Convention the amendment to paragraph 6(3) will now remain inoperative for an additional period of 90 days from 30th September, 1964, that is until midnight on 29th December, 1964, when in the absence of further objections the amendment to paragraph 6(3) will then become binding on all Contracting Governments except the Government of Japan.

No objections have been received to the other amendments proposed at the Sixteenth Meeting, i.e. to paragraphs 2, 4(1), 6(1), 9(a) and 9(b), and these amendments, which are repeated overleaf, therefore become binding on all Contracting Governments from 1st October, 1964.

The Secretary requests an acknowledgement of the receipt of this letter, a copy of which is being sent to all Commissioners.

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: H. GARDNER (U.K.)
Secretary: R. S. WIMPENNY

23RD DECEMBER, 1964

A.S.XVI

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his circular communication of 1st October, 1964 in which Contracting Governments were informed of the objection of the Japanese Government to the amendment to paragraph 6(3) of the Schedule.

In a letter received on 22nd December, 1964 the Secretary was informed that the Government of Norway objects to the amendment to paragraph 6(3) of the Schedule. The text of the letter of objection is attached.

In accordance with the terms of Article V(3) of the Convention the amendment to paragraph 6(3) of the Schedule will now remain inoperative for a further 30 days from the date of receipt of the letter of objection from the Government of Norway, that is until 21st January 1965. Thereafter the amendment to this paragraph of the Schedule will be binding on all Contracting Governments except the Governments of Japan and Norway or any other Contracting Government who under Article V(3) of the Convention registers objection before the end of the 30 day period on 21st January, 1965.

The Secretary requests an acknowledgement of the receipt of this communication, a copy of which is being sent to all Commissioners.

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: ~~H. GARDNER (U.K.)~~
Secretary: R. S. WIMPENNY

22ND JANUARY, 1965

A.S.XVI

Circular Communication to Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

In communications dated 21st January, 1965 the Secretary has been informed that the Governments of the United Kingdom and the Union of Soviet Socialist Republics object to the amendment to paragraph 6(3) of the Schedule which the Commission adopted at the Sixteenth Meeting. The texts of the statements from both of these Governments are attached.

Contracting Governments were advised in the Secretary's communications of 1st October and 23rd December, 1964 of the objections lodged to the amendment of paragraph 6(3) of the Schedule by the Governments of Japan and Norway.

The amendment to paragraph 6(3) of the Schedule closed to blue whaling the waters south of 40° South Latitude and north of 55° South Latitude from 0° eastwards to 80° East Longitude and thus gave complete protection to blue whales in the Antarctic. The amendment comes into effect on 22nd January, 1965, but is not binding upon those Governments who have objected to it i.e. the Governments of Japan, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

A copy of this communication is being sent to all Commissioners and to members of the Scientific Committee.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1965

Done at London 2 July 1965

Entered into force 5 October 1965 except for those Amendments which entered into force 4 January 1966

Primary source citation: 17 UST 35, TIAS 5953

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman:
Secretary: R. S. WIMPENNY

7TH JULY, 1965

ASXVII

SIR,

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

The Seventeenth Annual Meeting of the Commission closed on Friday 2nd July, 1965. You will be notified as soon as possible of the various decisions taken by the Commission. I am, however, advising you forthwith of the agreed amendments to the Schedule.

The Schedule amendments are as follows:–

Paragraph 4(1) Insert (a) before the existing sentence

Add a new sentence:–

(b) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for five years beginning with the 1966 season.

Paragraph 6 Add two new sub-paragraphs.

(4) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator during the 1966 season.

(5) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm whales in the waters between 40° South Latitude and 40° North Latitude.

Paragraph 8(a) Delete the words "ten thousand blue whale units in 1963/64" in the third and fourth lines and substitute the following:-

"4,500 blue whales units in 1965/66. There shall be further reductions for the years 1966/67 and 1967/68 that will assure that the total catch for 1967/68 will be less than the combined sustainable yields of the fin and sei stocks as determined on the basis of more precise scientific evidence.

Paragraph 8(c) Delete "9,000" in the sixth line and substitute the words "85 per cent of whatever total catch limit is imposed by the Commission".

In accordance with the provisions of Article V of the Convention these amendments will become effective with respect to each Contracting Government ninety days following the date of this letter, unless any Contracting Government lodges an objection in which case the procedure under Article V(3) will be followed.

The ninety-day period is deemed to expire at midnight on 5th October, 1965 and in the absence of objections by that date the amendments will become effective and you will be notified accordingly.

It is requested that you acknowledge the receipt of this letter. A copy is being sent to each Commissioner.

I am, Sir,
Your obedient Servant,

R. S. Wimpenny
Secretary to the Commission

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: W. C. TAME (U.K.)
Secretary: R. S. WIMPENNY

15TH SEPTEMBER, 1965.

A.S. XVII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments of Schedule

The Secretary refers to his circular communication of 7th July, 1965 about the amendments to the Schedule to the Convention which the Commission agreed upon at the Seventeenth Meeting.

In a letter dated 10th September, 1965 from the Soviet Commissioner, a copy of which is enclosed, the Secretary has been informed that the Soviet Government objects to the amendment to paragraph 6(5) of the Schedule.

In accordance with Article V(3) of the Convention the amendment to paragraph 6(5) will now remain inoperative for an additional period of 90 days from 5th October, 1965, that is until midnight on 3rd January, 1966, when in the absence of further objections the amendment to paragraph 6(5) will then become binding on all Contracting Governments except the Soviet Government.

It will be noted from the Soviet Commissioner's letter that the Soviet Government withdraws the objection lodged against the amendment made by the Commission at the Sixteenth Meeting to paragraph 6(3) of the Schedule with the effect of closing the waters between 40° and 55° south latitude and 0° and 80° east longitude to the killing of blue whales.

The Secretary requests an acknowledgement of the receipt of this letter, a copy of which is being sent to all Commissioners.

[Enclosure]

COPY

MOSCOW
September 10th, 1965

Mr. R. S. WIMPENNY
the Secretary,
International Whaling Commission,
East Block, Whitehall Place,
London, S.W.1

DEAR MR. WIMPENNY,

The International Whaling Commission at its Seventeenth Meeting adopted the amendment (Para 6(5)) to the Schedule providing the prohibition to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm whales in the waters between 40°S and 40°N.

From our specialists' point of view such a prohibition to kill sperm whales in the area in question has no sufficient ground, therefore at the Commission Meeting the Soviet Delegation voted against approval of that amendment to the Schedule.

In accordance with the provisions of Paragraph 3, Article V of the Convention the Soviet Party objects to the amendment (Para 6(5)) to the Schedule and considers it to be invalid for itself.

At the same time the Soviet Party would like to inform the Commission that it withdraws the objection to the amendment to Paragraph 6(3) of the Schedule concerning the closure of the last area remaining open for killing blue whales, i.e. the waters between 40° and 55°S between 0° and 80°E.

Sincerely yours,

M. SUKHORUCHENKO
Commissioner for the USSR

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: W. C. TAME (U.K.)
Secretary: R. S. WIMPENNY

6TH OCTOBER, 1965.

AS. XVII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his circular communication of 7th July, 1965 about the amendments to the Schedule to the Convention which the Commission agreed upon at the Seventeenth Meeting.

No objections have been received to the amendments proposed to paragraphs 4(1), 6(4), 8(a) and 8(c) of the Schedule, and these amendments, which are repeated overleaf, therefore become binding on all Contracting Governments from 6th October, 1965.

The amendment to paragraph 6(5) has been objected to by the Soviet Government and the Government of Japan and this amendment is now subject to the proceedings as set out in the Secretary's letter of 15th September, 1965 that is, the amendment to paragraph 6(5) will now remain inoperative for an additional period of 90 days from 5th October, 1965, that is until midnight on 3rd January, 1966, when in the absence of further objections the amendment to paragraph 6(5) will then become binding on all Contracting Governments except the Soviet Government and the Government of Japan. A copy of the letter from the Japanese Ambassador is enclosed: it will be noted from this that the Government of Japan now withdraws the objection lodged against the amendment made by the Commission at the Sixteenth Meeting to paragraph 6(3) of the Schedule with the effect of closing the waters between 40° and 55° south latitude and 0° and 80° east longitude to the killing of blue whales.

The Secretary requests an acknowledgement of the receipt of this letter, a copy of which is being sent to all Commissioners.

Schedule amendments made at the Seventeenth Meeting which come into force 6th October, 1965:–

Paragraph 4(1) Insert (a) before existing sentence

Add a new sentence:–

(b) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for five years beginning with the 1966 season.

Paragraph 6 Add new sub-paragraph.

(4) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator during the 1966 season.

Paragraph 8(a) Delete the words "ten thousand blue whale units in 1963/64" in the third and fourth lines and substitute the following:-

4,500 blue whale units in 1965/65. There shall be further reductions for the years 1966/67 and 1967/68 that will assure that the total catch for 1967/68 will be less than the

combined sustainable yields of the fin and sei stocks as determined on the basis of more precise scientific evidence.

Paragraph 8(c) Delete "9,000" in the sixth line and substitute the words "85 per cent of whatever total catch limit is imposed by the Commission".

[Enclosure]

COPY

EMBASSY OF JAPAN
United Kingdom

The Ambassador of Japan presents his compliments to the Secretary to The International Whaling Commission and has the honour, under instructions from the Government of Japan, to inform the Secretary as follows:–

(A) The Government of Japan presents its objection, in accordance with the provisions of paragraph 3 of Article 5 of the International Convention for the Regulation of Whaling of 1946, to the amendment of paragraph 6(5) of the Schedule to the above mentioned Convention which was decided at the Seventeenth Meeting of the Commission, since the Government of Japan considers that the amendment is not based on sufficient scientific findings.

(B) The Government of Japan withdraws its objection to the amendment of paragraph 6(3) of the schedule to the above mentioned Convention which was decided at the sixteenth Meeting of the Commission.

LONDON: *1st October 1965.*

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: W. C. TAME (U.K.)
Secretary: R. S. WIMPENNY

2ND NOVEMBER, 1965.

A.S. XVII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his circular communication of 7th July, 1965 about the amendments to the Schedule to the Convention which the Commission agreed upon at the Seventeenth Meeting.

In addition to the objections already received from the Soviet Government and the Government of Japan, an objection to the amendment to paragraph 6(5) has now been received from the Norwegian Government and a copy of the letter from the Norwegian Counsellor dated 20th October, 1965 is enclosed. In accordance with Article V(3) of the Convention, the amendment to paragraph 6(5) remains inoperative until midnight on 3rd January, 1966, when, in

the absence of further objections, the amendment to paragraph 6(5) will become binding on all Contracting Governments except the Soviet Government, the Government of Japan, and the Norwegian Government.

It will also be noted that the Norwegian Government now withdraws the objection lodged against the amendment to paragraph 6(3) of the Schedule made at the 16th Meeting of the Commission.

A copy of a letter received from the United Kingdom Commissioner is also enclosed from which it will be noted that the United Kingdom Government also withdraws its objection to paragraph 6(3) of the Schedule.

The Secretary requests an acknowledgement of this letter a copy of which is being sent to all Commissioners.

[Enclosure]

ROYAL NORWEGIAN EMBASSY
25, BELGRAVE SQUARE,
LONDON S. W. 1
TELEPHONE: BELGRAVIA 7151

LONDON, *20th October, 1965.*

R. S. WIMPENNY, Esq.,
Secretary,
International Whaling Commission,
East Block,
Whitehall Place,
London, S.W.1.

SIR,

Upon instructions from the Royal Norwegian Ministry of Foreign Affairs I have the honour to convey the following communication from the Norwegian Government:

(A) The Government of Norway has been informed of the objections made by the U.S.S.R. and Japan to the amendment of paragraph 6 (5) of the Schedule to the International Whaling Convention, which was decided at the Seventeenth Meeting of the Commission.

As a result of the objections having been presented by the two Governments, the Government of Norway formally declares that Norway objects to the amendment of paragraph 6 (5) of the Schedule, which was adopted at the Seventeenth Meeting of the Commission.

(B) The Government of Norway withdraws its objection to the amendment of paragraph 6 (3) of the Schedule to the International Whaling Convention, which was decided at the Sixteenth Meeting of the Commission.

Yours faithfully,

GEORG KNAP THESTRUP
Counsellor

[Enclosure]

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON S.W.1
TELEPHONE: TRAFALGAR 7711, EXT.

29TH OCTOBER, 1965.

R. S. WIMPENNY, Esq., O.B.E.,
Secretary,
International Whaling Commission,
Whitehall Place East, S.W.1.

Our ref:
FGB. 23464

DEAR SIR,

I am writing to tell you that the United Kingdom withdraws its objection to the amendment made by the Commission at the Sixteenth Meeting to paragraph 6(3) of the Schedule, which has the effect of closing the waters between 40° and 55° south latitude and 0° and 80° east longitude to the killing of blue whales.

Yours faithfully,

W. C. TAME
U.K. Commissioner.

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INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)
Vice-Chairman: W. C. TAME (U.K.)
Secretary: R. S. WIMPENNY

4TH JANUARY, 1966

A.S. XVII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to Schedule

The Secretary refers to his circular communication of 2nd November, 1965, notifying Commissioners that besides objections received from the Soviet Government and the Government of Japan to the amendment to paragraph 6(5) of the Schedule, the Norwegian Government had also registered its objection to this amendment.

No further objections have been received and, in accordance with Article V(3) of the Convention, the amendment to paragraph 6(5) of the Schedule comes into operation with effect from 4th January, 1966, except for the Soviet Government, the Government of Japan and the Norwegian Government.

The Secretary requests an acknowledgement of this letter which is being sent to all Commissioners.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1966

Done at London 1 July 1966

Entered into force 5 October 1966

Primary source citation: 17 UST 1640, TIAS 6120

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 383)

Chairman: W. C. TAME (U.K.)
Vice-Chairman: I. FUJITA (JAPAN)

5TH OCTOBER, 1966.

AS XVIII

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

The Acting Secretary refers to his circular communication of 6th July, 1966 concerning the amendments to the Schedule to the Convention which the Commission agreed upon at the Eighteenth Meeting.

No objections have been received to these amendments and in accordance with Article V of the Convention they therefore become binding on all Contracting Governments from 5th October, 1966.

The amendments are repeated below:–

Paragraph 6(4)	Delete "1966" in the second line and insert in its place "1967".
Paragraph 7(a)	Delete the semi-colon after the word "inclusive" in the fourth line and insert a full stop. Delete the words "and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February in any year".
Paragraph 8(a)	Delete the words after "shall not exceed" in the third line to the end of the sub-paragraph and insert in their place "3,500 blue whale units in 1966/67. The total catch for 1967/68 shall be less than the combined sustainable yields of the fin and sei whale stocks as determined on the basis of more precise scientific evidence."

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1967

Done at London 30 June 1967

Entered into force 6 October 1967

Primary source citation: 18 UST 2391, TIAS 6345

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 543)

Chairman: W. C. TAME (U.K.)
Vice-Chairman: I. FUJITA (JAPAN)
Secretary: R. STACEY

6th OCTOBER, 1967

AS. XIX

Circular Communication to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

The Secretary refers to his Circular Communication of 7th July, 1967 concerning the amendments to the Schedule to the Convention which the Commission adopted at its 19th Annual Meeting. No objections have been received to the amendments and in accordance with Article V of the Convention, they therefore become binding on all Contracting Governments as from 6th October, 1967.

The Schedule amendments are as follows:–

Paragraph 6(3) *Delete* the words "40° South Latitude" and insert in their place the words "the Equator".

Paragraph 6(4) *Delete* the words "during the 1967 season" and insert in their place "for three years beginning with the 1968 season".

Paragraph 8(a) *Delete* the whole of this paragraph and insert in its place the following paragraphs:–

"(a) The number of baleen whales taken during the open season in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed 3,200 blue whale units in 1967/68."

Paragraph 9(a) *Delete* the word "1965" in line 9 and insert in its place the word "1968".

Paragraph 9(b) *Delete* the word "1965" in line 8 and insert in its place the word "1968".

Copies of the revised Schedule incorporating these amendments will be circulated as soon as possible.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Tokyo, 1968

Done at Tokyo 28 June 1968

Entered into force 10 October 1968

Primary source citation: 19 UST 6030, TIAS 6562

INTERNATIONAL WHALING COMMISSION
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Chairman: I. FUJITA (JAPAN)
Vice-Chairman: J. L. McHUGH (U.S.A.)
Secretary: R. STACEY

10th October, 1965

A.S. XX

Circular Communication to All Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

With reference to the Secretary's circular communication of 11th July, 1968, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twentieth Annual Meeting, no objections have been received to these amendments and they therefore become binding on all Contracting Governments as from 10th October, 1968, in accordance with Article V of the Convention.

The amendments are as follows:

Paragraph 1(a), line 3. Delete the words "the Antarctic".

Paragraph 1(b), line 1. Add after "station" the following sentence:

> "There shall be maintained such observers as the member countries having jurisdiction over land stations may arrange to place at each other's land stations."

Paragraph 8(a), line 3. Delete "1967/68" and substitute, "1968/69".

A revised Schedule incorporating these amendments will be circulated in due course.

A copy of this circular is being sent to each Commissioner.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1969

Done at London 27 June 1969

Entered into force 6 October 1969

Primary source citation: 20 UST 4063, TIAS 6794

INTERNATIONAL WHALING COMMISSION
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Secretary: R. STACEY

16th October, 1969

AS.XXI

Circular letter to all Contracting Governments
International Whaling Convention, 1946
Amendments to the Schedule

With reference to the Secretary's circular note of 7th July, 1969, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-first Annual Meeting, no objections have been received to these amendments and they therefore become binding on all Contracting Governments as from 6th October, 1969, in accordance with Article V of the Convention.

The amendments are as follows:

Paragraph 4(1)(a)	Delete the words after "Ocean" and substitute the following: "for the three years ending on 24th February, 1973."
Paragraph 6(1), line 2	Delete "1969" and substitute "1972".
Paragraph 8(a), line 3	Delete "3,200" and "1968/69" and substitute "2,700" and "1969/70" respectively.

A revised Schedule incorporating these amendments will be circulated in due course.

A copy of this circular is being sent to each Commissioner.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1970

Done at London 26 June 1970

Entered into force 8 October 1970

Primary source citation: 21 UST 2460, TIAS 6985

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1
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Chairman: I. FUJITA (JAPAN)
Vice-Chairman: J. L. McHUGH (U.S.A.)
Secretary: R. STACEY

28TH OCTOBER 1970

A.S. XXII

Circular Communication to all Contracting Governments
International Whaling Convention
Amendments to the Schedule

With reference to the Secretary's circular of 9 July, 1970, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-Second Annual Meeting, no objections have been received to these amendments and they therefore become binding on all Contracting Governments as from 8 October, 1970, in accordance with Article V of the Convention. The amendments are as follows:

Paragraph 4(1)(b) — *Delete* "1966" and *substitute* "1971"

Paragraph 4(2) — *Delete* the first two lines and *substitute* "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales in any of the following areas:"

Paragraph 5 — *Delete* the first two lines and *substitute* "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude"

Paragraph 6(4) — *Delete* "1968" and *substitute* "1971".

Paragraph 6(5) — *Delete* the sub-paragraph and *substitute* the following: "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° South Latitude and 40° North Latitude*"

Paragraph 7(a)	*Delete* first two lines and *substitute* "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales (excluding minke whales) in"
Paragraph 7(b)	*Delete* all words in second line before "sperm" and *substitute* "It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating"
Paragraph 8(a)(i)	*Delete* "whale catchers attached to factory ships" in second line and *substitute* "factory ships or whale catchers attached thereto"
(ii)	*Delete* "1969/70" in last line and *substitute* "1970/71"
Paragraph 8(b)(3)	After "sei" add "or Bryde's"
Paragraph 8(c)	*Delete* fourth line and *substitute* "all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting"
Paragraph 8(d)	*Delete* last sentence and *substitute* "The taking or attempting to take baleen whales by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined"
Paragraph 8	Add three new sub-paragraphs as follows:
"(f)	Subject to sub-paragraph (h), the number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 1,308 whales in 1971"
(g)	Subject to sub-paragraph (h), the number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 4,710 whales, in 1971. The numbers taken in the succeeding few years shall be further adjusted on the basis of the latest scientific assessment so that within a few years the catch shall be less than the estimate of the sustainable yield.
(h)	The catch specified in either sub-paragraph (f) or (g) may be exceeded by not more than 10% provided that an appropriate reduction is made in the catch specified in the other sub-paragraph".
Paragraph 9(a)	*First line,* add "Bryde's" after "sei", *Fourth* and *sixth lines,* add "and Bryde's" after "sei" *Ninth line, delete* "1968" and *substitute* "1971"
Paragraph 9(b)	*Second, Third and Fourth lines, delete* "for delivery to factory ships or land stations" *Eighth line, delete* "1968" and *substitute* "1971"
Paragraph 11	*Second line,* after "baleen whales" *add* "apart from minke whales" *Third line,* after "area" *add* "except the North Pacific Ocean and its dependent waters north of the Equator" *Fourth line,* after "season" *add* "provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 8(f), (g) and (h)"
Paragraph 13(a)	*First line,* delete "delivery to" and *substitute* "treatment by"
Paragraph 13(d)	*Delete* up to and including "immediately" in the second line and substitute "The information specified in sub-paragraph (c) of this paragraph shall be entered immediately by a factory ship"
Paragraph 18(1)(i)	Between *sixth* and *seventh* lines *add* ' "Bryde's whale" *(Balaenoptera edeni* or *brydei)* means any whale known by the name of "Bryde's whale" '
(ii)	Delete "and shall be taken to include Bryde's whale (B. brydei)" from last two lines at foot of page 7

A revised Schedule incorporating these amendments will be circulated in due course.

A copy of this circular is being sent to each Commissioner.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Washington, 1971

Done at Washington 25 June 1971

Entered into force 5 October 1971 except for those Amendments which entered into force 3 January 1972

Primary source citation: 23 UST 179, TIAS 7293

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1
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Chairman: J. L. McHugh
(USA)
Vice-Chairman: I. Rindal
(Norway)
Secretary: R. Stacey

6 JULY 1971

AS XXIII

SIR

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO SCHEDULE

1. At its twenty-third meeting held in Washington from 21 to 25 June 1971, the Commission agreed to the following amendments to the Schedule:

Paragraph 1(a)	Delete "and" to "ships" after "inspection" in line 2 Insert "provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship"
Paragraph 1(b)	Delete second sentence "There" to "stations."
Paragraph 1	Insert new sub-paragraph (c) "1(c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission and paid by the Government nominating them."
Paragraph 8(a)	Delete "2,700" in penultimate line and substitute "2,300" Delete "1970/71" in last line and substitute "1971/72"

Paragraph 8(f)	Delete "1,308" in last line and substitute "1,046" Delete "1971" in last line and substitute "1972"
Paragraph 8(g)	Delete "4,710" in line 2 and substitute "3,768" Delete "1971" in line 3 and substitute "1972" Delete "the succeeding few years" in line 3 and substitute "1973" Delete "within a few years" in line 4.
Paragraph 8(h)	Insert before "The catch" at beginning of paragraph "Until the end of 1972"
Paragraph 8	Insert new sub-paragraph (i) "8(i) The number of sperm whales taken in the North Pacific Ocean and dependent waters shall not exceed 10,841 whales in 1972."
Paragraph 8	Insert new sub-paragraph (j) "8(j) The number of sperm whales taken in the area south of the Equator and between 20° East longitude and 70° East longitude in the 1971/72 pelagic season shall not exceed 923 whales and in the 1972 coastal season shall not exceed 1,824 whales. These figures in subsequent seasons to be further adjusted on the basis of the latest scientific assessment."

2. These amendments become effective with respect to each Contracting Government ninety days following the date of this letter in accordance with Article V of the Convention unless any Contracting Government lodges an objection, in which case the procedure under Article V (3) of the Convention will be followed.

3. The ninety days period will expire at midnight on 4 October 1971. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

4. Will you please acknowledge receipt of this letter, a copy of which is being sent to each Commissioner.

I am, Sir Your obedient Servant

R Stacey
Secretary to the Commission

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INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1
TELEPHONE: 01-834 8511 (EXTENSION 405)

Chairman: J. L. McHugh
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Vice-Chairman: I. Rindal
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Secretary: R. Stacey

5th OCTOBER, 1971

AS XXIII

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO SCHEDULE

The Secretary refers to his circular letter of 6 July 1971, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-third Annual Meeting.

In a Note dated 1 October 1971 from the Japanese Ambassador in London, a copy of which is enclosed, the Secretary has been informed that the Government of Japan objects to the amendment to add the new sub-paragraph (j) to paragraph 8 of the Schedule.

In accordance with Article V (3) of the Convention the amendment to add sub-paragraph 8(j) will now remain inoperative for an additional period of 90 days from 4 October 1971 when in the absence of further objections the amendment to add sub-paragraph 8(j) will become binding on all Contracting Governments except the Government of Japan. The 90 day period will end at midnight on 2 January 1972.

No objections have been received to the other amendments proposed at the Twenty-third Meeting, i.e. to paragraphs 1(a), 1(b), 1(c), 8(a), 8(f), 8(g), 8(h), 8(i), and these amendments, which are repeated overleaf, therefore become binding on all Contracting Governments from 5 October 1971.

The Secretary requests an acknowledgment of the receipt of this letter, a copy of which is being sent to all Commissioners.

SCHEDULE AMENDMENTS MADE AT THE TWENTY-THIRD MEETING WHICH COME INTO FORCE 5 OCTOBER 1971

Paragraph 1(a)	Delete "and" to "ships" after "inspection" in line 2 Insert "provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship"
Paragraph 1(b)	Delete second sentence "There" to "stations".
Paragraph 1	Insert new sub-paragraph (c) "1(c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission and paid by the Government nominating them".
Paragraph 8(a)	Delete "2,700" in penultimate line and substitute "2,300" Delete "1970/71" in last line and substitute "1971/72"
Paragraph 8(f)	Delete "1,308" in last line and substitute "1,046" Delete "1971" in last line and substitute "1972"
Paragraph 8(g)	Delete "4,710" in line 2 and substitute "3,768" Delete "1971" in line 3 and substitute "1972" Delete "the succeeding few years" in line 3 and substitute "1973" Delete "within a few years" in line 4.
Paragraph 8(h)	Insert before "The catch" at beginning of paragraph "Until the end of 1972"
Paragraph 8	Insert new sub-paragraph (i) "8(i) The number of sperm whales taken in the North Pacific Ocean and dependent waters shall not exceed 10,841 whales in 1972".

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1
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Chairman: J. L. McHugh
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Vice-Chairman: I. Rindal
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Secretary: R. Stacey

3 JANUARY 1971

AS XXIII

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO SCHEDULE

Contracting Governments were advised in the Secretary's communications of 5 and 12 October 1971 of objections lodged to the amendment to add the new sub-paragraph (j) to paragraph 8 of the Schedule by the Governments of Japan and the Union of Soviet Socialist Republics. No further objections have been received.

The terms of the amendment adding sub-paragraph (j) to paragraph 8 of the Schedule, which established quotas in respect of sperm whales taken in the area south of the Equator between 20° and 70° East Longitude, are repeated overleaf. The amendment comes into effect on 3 January 1972 but is not binding upon those Governments who have objected to it (Japan and the USSR).

The Secretary requests an acknowledgement of the receipt of this communication, a copy of which is being sent to all Commissioners.

Paragraph 8 — Insert new sub-paragraph (j)

"8(j) The number of sperm whales taken in the area south of the Equator and between 20° East Longitude and 70° East Longitude in the 1971/72 pelagic season shall not exceed 923 whales and in the 1972 coastal season shall not exceed 1,824 whales. These figures in subsequent seasons to be further adjusted on the basis of the latest scientific assessment."

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1972

Done at London 30 June 1972

Entered into force 5 October 1972

Primary source citation: 23 UST 2820, TIAS 7471

INTERNATIONAL WHALING COMMISSION
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Vice-Chairman: C. G. SETTER (Australia)
Secretary: R. STACEY

5 OCTOBER 1972

Ref ASXXIV

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946

AMENDMENTS TO SCHEDULE

The Secretary refers to his circular letter of 6 July 1972, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-fourth Annual Meeting.

No objections have been received to the amendments proposed at the Twenty-fourth Meeting i.e. to paragraphs 1(c), 4(1)(a), 5, 6(1), 8(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), 9(c), 11 and 12(a) and these amendments, shown overleaf, therefore become binding on all Contracting Governments from 5 October 1972.

The Secretary requests an acknowledgment of the receipt of this letter, a copy of which is also being sent to all Commissioners.

SCHEDULE AMENDMENTS MADE AT THE TWENTY-FOURTH MEETING WHICH COME INTO FORCE ON 5 OCTOBER 1972

Paragraph 1 (c) — Insert after "Commission" line 3 "acting through its Secretary".

Paragraph 4 (1) (a) — Delete the words "for three years ending on 24th February 1973".

Paragraph 5	Delete whole paragraph. Insert "[This paragraph was deleted following a recommendation made at the 24th Meeting]".
Paragraph 6 (1)	Delete after "Ocean" line 2 "for a period ending on 8th November 1972". Delete "close season" line 3 and substitute "prohibition".
Paragraph 8 (a)	Delete after "exceed" line 3 "2,300 blue whale units in 1971/72" and substitute "1,950 fin and 5,000 sei and Bryde's whales combined and 5,000 minke whales in 1972/73".
Paragraph 8 (b)	Delete whole sub-paragraph.
Paragraph 8 (c)	Renumber 8 (b) delete "blue whale units" line 3 and substitute "fin, sei, Bryde's and minke whales". Delete "blue whale units" line 5 and substitute "each of these species". Delete "blue whale units" last line and substitute "each of these species".
Paragraph 8 (d)	Renumber 8 (c) delete "whales" line 4 and substitute "each of these species".
Paragraph 8 (e)	Renumber 8 (d).
Paragraph 8 (f)	Renumber 8 (e) delete "Subject to subparagraph (h)" line 1. Delete after "exceed" line 2 "1,046" and "1972" and substitute "650" and "1973".
Paragraph 8 (g)	Renumber 8 (f) delete "Subject to subparagraph (h)". Delete after "exceed" line 2 "3768" and "1972" line 3 and substitute "3,000" and "1973". Delete last sentence.
Paragraph 8 (h)	Delete whole sub-paragraph.
Paragraph 8 (i)	Renumber 8 (g). Delete after "exceed" in line 2 "10,841 whales in 1972" and substitute "6,000 male and 4,000 female sperm whales in 1973".
Paragraph 8 (j)	Delete whole sub-paragraph and footnote and substitute sub-paragraph 8 (h) "The number of sperm whales taken in the Southern Hemisphere in the 1972/73 pelagic season and the 1973 coastal season shall not exceed 8,000 males and 5,000 females".
Paragraph 9 (c)	Delete "38" to "stations" lines 1, 2 and 3 and substitute "30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whale below 35 feet (10.7 metres)."
Paragraph 11	Delete after "8" line 6 "(f), (g) and (h)" and substitute "(e) and (f)".
Paragraph 12 (a)	Delete "5" in the last line.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1973

Done at London 29 June 1973

Entered into force 4 October 1973 except for those Amendments which entered into force 2 January 1974

Primary source citation: 25 UST 2591, TIAS 7936

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1P 2AE
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CHAIRMAN: I. RINDAL (NORWAY)
VICE-CHAIRMAN: A.G. BOLLEN (AUSTRALIA)
SECRETARY: R. STACEY

5 JULY 1973

AS XXV

SIR

**CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS,
INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO THE SCHEDULE**

1. At its twenty-fifth meeting held in London from 25 to 29 June 1973, the Commission agreed to the following amendments to the Schedule:

Paragraph 4	Delete sub-paragraphs 4(1) (a) and (b) Insert "It is forbidden to kill or attempt to kill blue whales".
Paragraph 6	Delete in sub-paragraph 6(1) "in the North Atlantic Ocean" Insert at the end of the second line "not below 35 feet (10.7 metres) in length". Delete sub-paragraphs 6 (2), (3) and (4) Delete sub-paragraph 6(5).
Paragraph 7	Delete in sub-paragraph 7(a) "(excluding minke whales)" Insert after "whales" in line 2 "except minke whales".
Paragraph 8	Sub-paragraph 8(a) Delete "1950" line 3 Insert "1450" Delete "5000" line 3 Insert "4500"

Delete "1972/73" line 4 Insert "1973/74"
Insert after "1973/74". "The taking of fin whales shall cease not later than 30 June 1976".

Sub-paragraph 8(e)
Delete "650" line 2 Insert "550"
Delete "1973" line 2 Insert "1974"

Sub-paragraphs 8 (f) and (g)
Delete "1973" line 2 Insert "1974"

Sub-paragraph 8(h)
Delete "1972/73" line 1 Insert "1973/74"
Delete "1973" line 2 Insert "1974"
Insert after "females" line 2
"The total catches in any of the Areas I to VI shall not exceed the limits shown below:—

		Male	Female
Areas II+III	60°W–70°E	1900	1800
" IV+V	70°E–170°W	2900	2100
" VI+I	170°W–60°W	3200	1100

Paragraph 9

Sub-paragraph 9(a)
Delete the first six lines and Insert "It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) except that sei and Bryde's whales"
Delete in lines 8 and 9 "except in the north-east Pacific area for a period of three years starting 1st April 1971".

Sub-paragraph 9(b)
Delete in lines 6 and 7 "except in the north-east Pacific area for a period of three years starting 1st April 1971".

Paragraph 10

Sub-paragraph 10(b)
Delete "(excluding minke)" line 3 Insert "except minke whales"
Delete "(excluding minke)" line 8 Insert "except minke whales"

Sub-paragraph 10(c)
Delete "(excluding minke whales)" line 6
Insert "except minke whales".

Paragraph 15

Delete paragraph
Insert "A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations".

Paragraph 17

Delete sub-paragraphs 17(c) (1) and (2) and the accompanying footnote.

2. These amendments become effective with respect to each Contracting Government ninety days following the date of this letter in accordance with Article V of the Convention unless any Contracting Government lodges an objection, in which case the procedure under Article V (3) of the Convention will be followed.

3. The ninety days period will expire at midnight on 3 October. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

4. Will you please acknowledge receipt of this letter, a copy of which is being sent to each Commissioner.

I am, Sir
Your obedient Servant

R STACEY
Secretary to the Commission

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1P 2AE
TELEPHONE: 01-834 8511 (EXTENSION 405)

CHAIRMAN: I. RINDAL (NORWAY)
VICE-CHAIRMAN: A.G. BOLLEN (AUSTRALIA)
SECRETARY: R. STACEY

5 OCTOBER 1973

Reference AS XXV

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS AND COMMISSIONERS, INTERNATIONAL WHALING CONVENTION 1946, AMENDMENTS TO THE SCHEDULE.

1. The Secretary refers to his circular letter dated 5th July 1973, notifying Contracting Governments of the amendments to the Schedule to the Convention agreed at the Commission's Twenty-fifth Annual Meeting.

2. As announced in circular communication dated 18th September 1973, the Government of Japan has objected to the following amendments:—

1. the insertion in sub-paragraph 8(a) relating to cessation of the taking of fin whales after June 1976.

2. the maximum catch relating to minke whales in 1973/74 in subparagraph 8(a).

3. the insertion providing for area catch limits after "females" in line 2 of sub-paragraph 8(h).

The Government of the USSR has also notified the Commission of its objection to (2) and (3) of these amendments. In accordance with Article V (3) of the Convention these amendments will remain inoperative for an additional period of 90 days from the 4th October 1973 when, in the absence of further objections these amendments will become binding on all Contracting Governments except the Government of Japan in respect of (1) (2) (3) and the Government of the USSR in respect of (2) and (3).

3. No other objections have been received to the amendments approved at the Twenty-fifth Meeting and the amendments in the following paragraphs therefore become binding on all Contracting Governments from 4th October 1973:

Paragraph 4 sub-paragraphs (1) (a) and (b)

Paragraph 6 sub-paragraphs (1) (2) (3) (4) and (5)

Paragraph 7 (a)

Paragraph 8 sub-paragraph (a) except maximum catch relating to minke whales in 1973/74 and the insertion "the taking of fin whales shall cease not later than 30th June 1976", (e) (f) (g) and (h) except the insertion after "females" in line 2 providing for area catch limits.

Paragraph 9 (a) and (b)

Paragraph 10 (b) and (c)

Paragraph 15

Paragraph 17 sub-paragraph (c), (1) and (2) and accompanying footnote.

4. The Secretary requests an acknowledgement of the receipt of the Communication, a copy of which is being sent to all Commissioners.

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INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W.1P 2AE
TELEPHONE: 01-834 8511 (EXTENSION 405)

CHAIRMAN: I. RINDAL (NORWAY)
VICE-CHAIRMAN: A.G. BOLLEN (AUSTRALIA)
SECRETARY: R. STACEY

Dr R M WHITE
Administrator of NOAA
Department of Commerce
USA

9 JANUARY 1974

Our Ref AS

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS, INTERNATIONAL WHALING CONVENTION 1946, AMENDMENTS TO THE SCHEDULE.

Contracting Governments were advised in the Secretary's Communications of 18th September and 5th October 1973 of objections lodged to parts of the amendments to sub-paragraph 8(a) and 8(b)[1] by the Governments of Japan and the Union of the Soviet Socialist Republics. These objections have not been withdrawn and no further objections have been received. The amended sub-paragraphs are reproduced below and are now fully operative. The parts underlined to which objections were raised came into effect on 2nd January 1974 but are not binding on the Governments who objected to them.

The Secretary requested the acknowledgement of the receipt of this communication, a copy of which is being sent to all Commissioners.

8. (a) The number of baleen whales taken during the open season in waters south of 40 South Latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1,450 fin whales, 4,500 sei and Bryde's whales combined and 5,000*† minke whales in 1973/74. The taking of fin whales shall cease not later than 30 June 1976.*

8. (h) The number of sperm whales taken in the Southern Hemisphere in the 1973/74 pelagic season and the 1973 coastal season shall not exceed 8,000 males and 5,000 females. The total catches in any of the Areas I to VI shall not exceed the limits shown below:*†

		MALE	FEMALE
II and III	60°W — 70°E	1,900	1,800
IV and V	70°E — 170°W	2,900	2,100
VI and I	170°W — 60°E	3,200	1,100
		8,000	5,000

[1]Should read "8(h)". [Footnote added by the Department of State.]
*Not binding on the Government of Japan.
†Not binding on the Government of the USSR.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1974

Done at London 28 June 1974

Entered into force 2 October 1974

Primary source citation: 25 UST 2978, TIAS 7960

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON S.W. 1P 2AE
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Chairman: I. RINDAL (Norway)
Vice-Chairman: A. G. BOLLEN (Australia)
Secretary: R. STACEY

3 OCTOBER 1974

Ref: AS XXVI

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946

AMENDMENTS TO THE SCHEDULE

The Secretary refers to his circular letter of 3 July, 1974 notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's Twenty-sixth Annual Meeting.

No objections have been received to the amendments which are listed overleaf and they therefore became binding on all Contracting Governments from 2 October, 1974.

The Secretary requests an acknowledgment of this communication, a copy of which is also being sent to all Commissioners.

LIST OF AMENDMENTS TO THE SCHEDULE APPROVED BY THE COMMISSION AT ITS 26TH MEETING

Paragraph 1	Add the following at end of paragraph: 'lost whale' means any whale that has been taken but not delivered to the factory ship or land station.
Paragraph 11	Line 3: delete 1,450 insert 1,000

"	3:	"	4,500	"	4,000
"	4:	"	5,000	"	7,000
"	4:	"	1973/74	"	1974/75

Add the following at end of paragraph:

'The total catches taken in any of the areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the area catches exceed the total quotas.'

	Fin	Sei & Bryde's	Minke
Areas I & II 120°W—0°	475	1275	3,300
Areas III & IV 0—130°E	416	1503	4,140
Areas V & VI 130°E—120°W	300	1664	1,060

'Further provided that in areas II & III the catch of sei & Bryde's whales does not exceed 810 and 495 respectively. From 1975/76 the quotas will be divided into six areas or such other divisions based on the advice tendered by the Scientific Committee.'

Paragraph 12

Line	2:	delete	550	insert	300
"	2:	"	1974	"	1975.

Paragraph 13

Line	2:	delete	3,000	insert	2,000
"	2:	"	1974	"	1975

Paragraph 14

Line	2:	delete	1974	insert	1975

Paragraph 15

Line	1:	delete	1973/74	insert	1974/75
"	2:	delete	1974	insert	1975
"	6:	"	1,900	insert	2,548
"	6:	"	1,800	"	2,563
"	7:	"	2,900	"	2,730
"	7:	"	2,100	"	2,188
"	8:	"	3,200	"	3,822
"	8:	"	1,100	"	1,500

Delete colon and dash in line 4. Add a full stop then the following sentence:

'However, in no circumstances shall the sum of the area catches exceed the total quotas.'

Paragraph 21

Delete and insert the following:

Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw or, in sperm whales, the most forward part of the head and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metres. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3. metres.

Paragraph 24(b) Delete and insert the following:

For each catcher ship attached to a factory ship or land station

(i) the dates on which each is commissioned and ceases whaling for the season.

(ii) the number of days on which each is at sea on the whaling grounds each season.

(iii) where possible the total number of hours spent each day searching for, chasing and catching whales, but not including time spent picking up or towing.

(iv) the gross tonnage, horsepower and length of each and the list of those equipped with asdic; vessels used only as tow boats should be specified.

Paragraph 24(c) Delete full stop after 'concerned' Add a comma and then the following:

and the number of miles searched per day by aircraft, if any.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1975

Done at London 27 June 1975

Entered into force 3 October 1975

Primary source citation: 27 UST 1885, TIAS 8286

INTERNATIONAL WHALING COMMISSION
GREAT WESTMINSTER HOUSE, HORSEFERRY ROAD, LONDON, S.W. 1P 2AE
TELEPHONE: 01-216 7405

Chairman: A. G. BOLLEN (Australia)
Vice-Chairman: I. RINDAL (Norway)
Secretary: R. STACEY

Date 6 October 1975.

Our Ref AS XXVII

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS
INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO THE SCHEDULE.

The Secretary refers to his circular letters of 4 July and 21 August 1975 notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's Twenty-seventh Annual Meeting.

No objections have been received to the amendments a list of which is enclosed and they therefore became binding on all Contracting Governments from 3 October 1975.

The Secretary requests an acknowledgement of this communication, a copy of which is also being sent to all Commissioners.

INTERNATIONAL WHALING CONVENTION 1946
AMENDMENTS TO THE SCHEDULE

1. At its Twenty-seventh meeting held in London from 23 to 27 June, 1975 the Commission agreed to the following amendments to the Schedule:

Paragraph 1 Add the following at end of paragraph

"lactating whale" means (a) with respect to baleen whales—a female which has any milk present in a mammary gland.

(b) with respect to sperm whales—a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10 cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5 cm and 10.5 cm shall be logged as 10 cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, eg 10.5 cm shall be logged as 11.0 cm.

However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

Paragraph 2 (c)

Line 2 Delete 'one continuous open season'
Insert 'an open season or seasons'

Paragraph 3 (c)

Lines 5 and 6 Delete 'such period of eight months to include the whole of the period of six months declared for baleen whales, except minke whales, as provided for in sub-paragraph (b) of this paragraph'.

Section III Capture

Delete "Prohibitions and areas"

Delete Paragraphs 5, 6 and 7. Amend to read as follows:

Classification of Areas and Divisions

5. In paragraphs 6 and 11, areas in the Southern Hemisphere are those waters between the ice edge and 40° South Latitude and lying between the following parallels of longitude, except that for sei and Bryde's whales combined and minke whales they shall extend to the equator:

AREA I	120°W	—	60°W
AREA II	60°W	—	0
AREA III	0	—	70°E
AREA IV	70°E	—	130°E
AREA V	130°E	—	170°W
AREA VI	170°W	—	120°W

In paragraphs 6 and 15, divisions relating to the catch limits for Southern Hemisphere sperm whales are those waters lying between the ice edge and the equator and between the following parallels of longitude:

Division 1	60°W	—	30°W
Division 2	30°W	—	20°E
Division 3	20°E	—	60°E
Division 4	60°E	—	90°E
Division 5	90°E	—	130°E
Division 6	130°E	—	160°E
Division 7	160°E	—	170°W
Division 8	170°W	—	100°W
Division 9	100°W	—	60°W

6. Classification of Stocks

All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

(a) A Sustained Management Stock is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales:

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee.

For the 1975/76 pelagic season and 1976 coastal season in the Southern Hemisphere and for the 1976 season in all other areas for stocks between the MSY stock level and 10 percent below that level, the permitted catch, except for sei whales and Bryde's whales combined in the Southern Hemisphere, shall not exceed the number of whales obtained by taking 90 percent of the MSY and reducing that number by 10 percent for every 1 percent by which the stock falls short of the MSY stock level. For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 percent of the MSY.

For sei and Bryde's whales combined in the Southern Hemisphere for the 1975/76 pelagic season and the 1976 coastal season the permitted catch of Sustained Management Stocks below the MSY stock level shall not exceed the number of whales obtained by taking 90 percent of the MSY and reducing that number by 5 percent for every 1 percent by which the stock at the beginning of the sustained management period falls short of the MSY stock level.

The following stocks are classified as Sustained Management Stocks for the 1975/76 pelagic season and the 1976 coastal season in the Southern Hemisphere and for the 1976 season in all other areas:

Fin Whales	Southern Hemisphere Area I
" "	North Atlantic (Iceland Stock)
" "	North Atlantic (Newfoundland Stock)
Sei and Bryde's Whales combined	Southern Hemisphere Areas I, II, IV, V, VI
Minke Whales	Southern Hemisphere Area IV, North Atlantic (Stock East of Cape Farewell, Greenland)
Sperm Whales—Males	Southern Hemisphere Divisions 1, 2, 3, 4, 7, and 9
Sperm Whales—Females	Southern Hemisphere Divisions 3, 4, 7, and 9

(b) An Initial Management Stock is s stock more than 20 percent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below this level. The permitted catch for such stocks will not be more than 90 percent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 percent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 percent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee.

The following stocks are classified as Initial Management stocks for the 1975/76 pelagic season and the 1976 coastal season in the Southern Hemisphere and for the 1976 season in all other areas.

Minke Whales	Southern Hemisphere Areas I, II, III, V, VI
Minke Whales	North Atlantic (Stock West of Cape Farewell, Greenland)
Bryde's Whales	North Pacific
Sperm Whales—Males	Southern Hemisphere Divisions 5 and 8
Sperm Whales—Females	Southern Hemisphere Divisions 1, 2, 5, 6 and 8
Sperm Whales—Males	North Pacific
Sperm Whales—Females	North Pacific

(c) A Protection Stock is a stock which is below 10 percent of MSY stock level below MSY stock level.

There shall be no commercial whaling on species or stocks whilst they are classified as Protection Stocks. The following stocks are classified as Protection Stocks for the 1975/76 pelagic season and 1976 coastal season in the Southern Hemisphere and for the 1976 season in all other areas.

Blue Whales	All Oceans
Humpback Whales	All Oceans
Right Whales	All Oceans
Gray Whales	All Oceans
Fin Whales	Southern Hemisphere Areas II, III, IV, V, VI
Fin Whales	North Pacific
Fin Whales	North Atlantic (Faroes and West Norway Stock)
Fin Whales	North Atlantic (Nova Scotia Stock)
Sei Whales	Southern Hemisphere Area III
Sei Whales	North Pacific
Sperm Whales—Males	Southern Hemisphere Division 6

7. Notwithstanding the provisions of paragraph 6 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose and the taking of gray or right whales by aborigines or a Contracting Government on behalf of aborigines but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

Paragraph 8 Amend to read as follows:

"It is forbidden to take or kill suckling calves or female whales accompanied by calves".

Paragraph 11 Amend to read as follows:

The number of fin whales taken during the open season in waters south of 40° South Latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 220 in 1975/76. The taking of fin whales shall cease not later than 30 June 1976. The number of other species of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 2230 sei and Bryde's whales combined and 6810 minke whales in the 1975/76 pelagic season and the 1976 coastal season. The total catches taken in any of the areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the area catches exceed the total quotas for each species:

	Fin	Sei and Bryde's whales combined	Minke
Area I	220	198	1200
Area II	0	567	2160
Area III	0	0	2400
Area IV	0	671	891
Area V	0	693	840
Area VI	0	297	600

Paragraph 12 Amend to read as follows:

"The number of whales taken in the North Pacific Ocean and dependent waters in 1976 shall not exceed the following limits:

Sperm—Males	5200
Sperm—Females	3100
Bryde's	1363

Paragraph 13 Amend to read as follows:

"The number of fin and minke whales taken in the North Atlantic Ocean in 1976 shall not exceed the following limits:

Fin Whales—Newfoundland waters	90
Fin Whales—Iceland waters	275
Minke Whales—East of Cape Farewell	2000
Minke Whales—West of Cape Farewell	550

Paragraph 14 delete provisions

Paragraph 15 Amend as follows:

Line 1	Delete '1974/75'	Insert '1975/76'
Line 2	Delete '1975'	Insert '1976'
	Delete '8000'	Insert '5870'
	Delete '5000'	Insert '4870'
Line 3	Delete 'Areas I to VI'	Insert 'Divisions 1 to 9'
Lines 6–9 inclusive	Delete and insert the following:	

	Male	Female
Divisions 3 & 4	1562	1368
Division 5	1080	756
Division 6	0	324
Division 7	495	396
Division 8	1512	972
Divisions 9, 1 & 2	2024	1992

Paragraph 17 Amend to read as follows:

(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not taken by whale catchers under the jurisdiction of a Contracting Government) which are classified as Protection Stocks in paragraph 6 or are taken by whale catchers under the jurisdiction of a Contracting Government in contravention of paragraphs 2, 3, 9, 11, 12, 13 & 15 of this Schedule.

Paragraph 20 Amend last sentence to read

"No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales".

Paragraph 22 Amend (b) (4) to read

"If female, whether lactating".

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1976

Done at London 25 June 1976

Entered into force 1 October 1976

Primary source citation: 27 UST 4015, TIAS 8422

INTERNATIONAL WHALING COMMISSION
THE RED HOUSE
STATION ROAD
HISTON
CAMBRIDGE CB4 4NP

Chairman: A. G. BOLLEN (Australia)
Vice-Chairman: T. ASGEIRSSON (Iceland)
Secretary: DR. R. GAMBELL

1 OCTOBER 1976

DR. R. M. WHITE,
NOAA

Our Ref: RG/PRP/113

CIRCULAR COMMUNICATION TO ALL CONTRACTING GOVERNMENTS INTERNATIONAL WHALING CONVENTION 1946

Amendments to the Schedule

The Secretary refers to his circular letters of 2 July, 3 August and 6 August 1976 notifying the Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's Twenty-Eighth Annual Meeting.

No objections have been received to the amendments, a consolidated list of which is enclosed, and they therefore become binding on all Contracting Governments from 1 October 1976.

The Secretary requests an acknowledgement of this communication, a copy of which is also being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

AMENDMENTS TO THE SCHEDULE

At its Twenty-Eighth Meeting, held in London from 21 to 25 June 1976, the Commission agreed to the following amendments to the Schedule:

Paragraph 1

Add the following at the end of the paragraph: "small-type whaling" means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, pilot or killer whales.

Paragraph 6(a)

sub-paragraph 4

Amend to read:

"For the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas. . . . . "
Delete: "except for sei whales and Bryde's whales combined in the Southern Hemisphere"

sub-paragraph 5

Delete whole sentence: "For sei and Bryde's whales combined in the Southern Hemisphere. . . . . falls short of the MSY stock level".

sub-paragraph 6

Amend to read:

"The following stocks are classified as Sustained Management Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

Fin Whales	—	North Atlantic (East Greenland-Iceland Stock)
Sei Whales	—	Southern Hemisphere Areas I, II, IV, V, VI
Minke Whales	—	North Pacific (Western Stock)
Minke Whales	—	North Atlantic (North American Coast, East Greenland and East Atlantic Stocks)
Sperm Whales —males	—	Southern Hemisphere Divisions 3 and 5
Sperm Whales —females	—	Southern Hemisphere Divisions 2, 3, 6 and 7
Sperm Whales	—	North Atlantic

The following stocks are provisionally listed as Sustained Management Stocks for 1977, pending the accumulation of sufficient information for classification

Fin Whales	—	North Atlantic (North Norway, Spain-Portugal-British Isles Stocks)
Sei Whales	—	North Atlantic (Iceland-Denmark Strait Stock)
Minke Whales	—	North Atlantic (West Greenland Stock)

Paragraph 6 (b)

sub-paragraph 3

Amend to read:

"The following stocks are classified as Initial Management Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

Fin Whales	—	North Atlantic (Newfoundland-Labrador Stock)
Bryde's Whales	—	Southern Hemisphere all Areas
Bryde's Whales	—	North Pacific
Minke Whales	—	Southern Hemisphere all Areas
Minke Whales	—	North Pacific (except the Western Stock)

Sperm Whales —males	—	Southern Hemisphere Divisions 1, 2, 4, 6 and 8
Sperm Whales —females	—	Southern Hemisphere Divisions 1, 5 and 8
Sperm Whales —males	—	North Pacific
Sperm Whales —females	—	North Pacific

Paragraph 6(c)

sub-paragraph 2 Amend to read:

"There shall be no commercial whaling on species or stocks whilst they are classified as Protection Stocks. The following stocks are classified as Protection Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

Blue Whales	—	All Oceans
Humpback Whales	—	All Oceans
Right Whales	—	All Oceans
Gray Whales	—	All Oceans
Fin Whales	—	Southern Hemisphere all Areas
Fin Whales	—	North Pacific
Fin Whales	—	North Atlantic (West Norway-Faroe and Nova Scotia Stocks)
Sei Whales	—	Southern Hemisphere Area III
Sei Whales	—	North Pacific
Sei Whales	—	North Atlantic (Nova Scotia Stock)
Sperm Whales —males	—	Southern Hemisphere Divisions 7 and 9
Sperm Whales —females	—	Southern Hemisphere Divisions 4 and 9

Paragraph 11 Delete the first two sentences and the footnote.
Amend to read:

"The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1863 sei whales and 8900 minke whales and 0 Bryde's whales (pending a satisfactory estimate of stock size), in the 1976/77 pelagic season and the 1977 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species:

	Sei Whales	Minke Whales
Area I	388	1062
Area II	113	2041
Area III	0	3003
Area IV	383	1600
Area V	626	1524
Area VI	539	402

Paragraph 12 Amend to read:

"The number of whales taken in the North Pacific Ocean and dependent waters in 1977 shall not exceed the following limits:

Sperm Whales — males	4320	
Sperm Whales — females	2880	
Bryde's Whales	1000	
Minke Whales (Western Stock)	541	
Minke Whales (remainder of the North Pacific)	0	pending a satisfactory estimate of stock size

Paragraph 13

Amend to read:

"The number of whales taken in the North Atlantic Ocean in 1977 shall not exceed the following limits:

Fin Whales	— Newfoundland Stock	90
Fin Whales	— North Norway Stock	61
Minke Whales	— North American Stock	48
Minke Whales	— West Greenland Stock	325
Minke Whales	— East Greenland Stock	320
Minke Whales	— East Atlantic Stock	1790
Sei Whales	— Iceland-Denmark Strait Stock	132
Sperm Whales	—	685

The total catch of fin whales from the East Greenland-Iceland Stock shall not exceed 1524 in the six years 1977 to 1982 inclusive, and the total catch in any one year shall not exceed 304."

Paragraph 14

Amend to read:

"The number of sperm whales taken in the Southern Hemisphere in the 1976/77 pelagic season and the 1977 coastal season shall not exceed 3894 males and 897 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown below. However, in no circumstances shall the sum of the Division catches exceed total quotas."

	Male	Female
Division 1	316	73
Division 2	840	194
Division 3	783	224
Division 4	590	0
Division 5	559	128
Division 6	287	66
Division 7	0	94
Division 8	909	209
Division 9	0	0

Paragraph 15(c)

Add the following:

"It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40°S latitude during the months of October to January inclusive."

Paragraph 21

Add new subparagraph as follows:

"(d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available."

Paragraph 23 (paragraph 1 section (c))

Amend line 7 to read:

".... each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate ....."

Paragraph 23 (paragraph 2)

sub-paragraph (b) Add new section as follows:

"(v) Any modifications of the above measures or data from other suitable indicators of fishing effort for "small-type whaling" operations."

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Canberra, 1977

Done at Canberra 24 June 1977

Entered into force 25 October 1977

Primary source citation: 29 UST 1452, TIAS 8886

INTERNATIONAL WHALING COMMISSION
THE RED HOUSE
STATION ROAD, HISTON,
CAMBRIDGE CB4 4NP

CHAIRMAN ARTHUR G. BOLLEN (AUSTRALIA)
VICE-CHAIRMAN THORDUR ASGEIRSSON (ICELAND)
SECRETARY RAY GAMBELL

25 OCTOBER 1977

RG/PRP/1290

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his circular letters of 26 July (Ref: RG/DG/1043) and 25 August 1977 (Ref: RG/DG/1153) notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's Twenty-Ninth Annual Meeting.

No objections have been received to the amendments, a copy of which is enclosed, and they therefore become binding on all Contracting Governments from 25 October 1977.

The Secretary requests an acknowledgement of this communication, a copy of which is being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

AMENDMENTS TO THE SCHEDULE

At its 29th Annual Meeting held in Canberra, 20–24 June, 1977, the Commission agreed to the following amendments to the Schedule.

A. New layout for section III Capture.

The new layout adopted is shown in Appendix 1.

Some resulting necessary changes of wording are shown in *italic* type.

The existing paragraphs numbered 16 to 23 will be renumbered 18 to 25.

Consequential changes in paragraph 18(a) in the new numbering [para. 16(a) in the old numbering] result from the renumbering of some of the paragraphs referenced therein. These do not change the substance of the text, which now reads:

"18 – (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not taken by whale catchers under the jurisdiction of a Contracting Government) which are classified as Protection Stocks in paragraph 8 or are taken by whale catchers under the jurisdiction of a Contracting Government in contravention of paragraphs 2, 3, 5, 9, 10, 14 and 15 of this Schedule."

B. Substantive amendments.

i) Paragraph 1.

Amend the final definition of section I. Interpretation as follows:

"Small-type whaling"—means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

"Bottlenose whale"—means any whale known by the name Baird's beaked whale *(Berardius bairdii)*, Arnoux's whale *(Berardius arnuxii)*, Southern bottlenose whale *(Hyperoodon planifrons)*, or Northern bottlenose whale *(Hyperoodon ampullatus)*.

"Beaked whale"—means any whale belonging to the genus *Mesoplodon*, or any whale known by the name of Cuvier's beaked whale *(Ziphius cavirostris)*, or Shepherd's beaked whale *(Tasmacetus shepherdi)*.

"Pilot whale"—means any whale known by the name of long-finned pilot whale *(Globicephala melaena)* or short-finned pilot whale *(Globicephala macrorhynchus)*.

"Killer whale"—means any whale known by the name of killer whale or orca *(Orcinus orca)*.

ii) Paragraph 7, (new numbering).

Add new sub-paragraph (c), to define North Atlantic whale stock boundaries (shown in Appendix 1, underlined).

iii) Paragraph 11 (new numbering, old paragraph 7).

Delete the words "or right".

iv) Paragraph 2(e), last sentence.

Delete "eight" and substitute "nine", so that the sentence reads:

"Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned."

v) Section VI. Information required.

Add the following new Paragraph 26 before existing final paragraph, which is renumbered 27:

26. (a) Where possible all factory ships and land stations shall collect from each whale taken:

(1) the combined weight of both testes, and tissue samples from one testis; or both ovaries

(2) at least one ear plug, or one tooth (preferably first mandibular).

(b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken by small-type whaling operations conducted from shore or by pelagic fleets.

(c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with the platform or other identification number of the whale and be appropriately preserved.

C. Miscellaneous provisions.

i) Paragraph 7 (new numbering, old paragraph 5).

Change "parallels of longitude" to "meridians of longitude" in two places (*shown in Appendix 1, in italic*).

Delete "40° South Latitude" and "except that for sei and Bryde's whales combined and minke whales they shall extend to".

First sentence then to read as shown in Appendix 1.

ii) Paragraph 8(a) (new numbering, old paragraph 6(a)).

Second sentence. Insert "a" before Sustained Management Stock (*shown in Appendix 1, in italic*).

iii) Paragraph 13(a) (new numbering, old paragraph 15(a)).

Insert "in length" after 40 feet (12.2 metres).

Delete "in length" after 35 feet (10.7 metres).

(*Shown in Appendix 1, in italic*).

iv) Paragraph 24(a) (new numbering, old paragraph 22(a)).

Line 3. Delete "fin".

APPENDIX 1

III. CAPTURE

Area limits for Factory Ships

5. It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:

(a) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

6. – (a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ships shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South Latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:

(1) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

(2) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

Classification of Areas and Divisions

7. – (a) Classification of Areas

Areas in the Southern Hemisphere are those waters between the ice-edge and the equator and lying between the *meridians* of longitude *listed in Table 1.*

(b) Classification of Divisions

Divisions relating to the catch limits for Southern Hemisphere sperm whales are those waters lying between the ice-edge and the equator and between *the meridians* of longitude *listed in Table 2.*

(c) Geographical boundaries in the North Atlantic

The geographical boundaries for the fin, sei and minke whale stocks in the North Atlantic are:

Fin whale stocks

1. Nova Scotia

South and West of a line through:
47°N 54°W, 46°N 54°30′W, 46°N 42°W, 20°N 42°W.

2. Newfoundland – Labrador

West of a line through:
75°N 73°30′W, 69°N 59°W, 61°N 59°W, 52°20′N 42°W,
46°N 42°W and
North of a line through:
46°N 42°W, 46°N 54°30′W, 47°N 54°W.

3. West Greenland

East of a line through:
75°N 73°30′W, 69°N 59°W, 61°N 59°W 52°20′N 42°W, and
West of a line through:
52°20′N 42°W, 59°N 42°W, 59°N 44°W, Kap Farvel.

4. East Greenland – Iceland

East of a line through:
Kap Farvel (South Greenland), 59°N 44°W, 59°N 42°W,
20°N 42°W, and
West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E, and
South of 74°N latitude.

5. North Norway

North and East of a line through:
74°N 22°W, 74°N 3°E, 68°N 3°E, 67°N 0°, 67°N 14°E.

6. West Norway and Faroe Islands

South of a line through:
67°N 14°E, 67°N 0°, 60°N 18°W, and
North of a line through:
61°N 16°W, 61°N 0°, Thyborøn (western entrance to Limfjorden, Denmark).

7. British Isles – Spain and Portugal

South of a line through:
Thyborøn (Denmark), 61°N 0°, 61°N 16°W, and
East of a line through:
63°N 11°W, 60°N 18°W, 20°N 18°W.

Minke whale stock

1. Canadian East Coast

West of a line through:
75°N 73°30′W, 69°N 59°W, 61°N 59°W, 52°20′N 42°W,
20°N 42°W.

2. West Greenland

East of a line through:
75°N 73°30′W, 69°N 59°W, 61°N 59°W, 52°20′N 42°W, and
West of a line through:
52° 20′N 42°W, 59°N 42°W, 59°N 44°W, Kap Farvel.

3. East Greenland – Iceland – Jan Mayen

East of a line through:
Kap Farvel (South Greenland), 59°N 44°W, 59°N 42°W,
20°N 42°W and
West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E, and South of
74°N latitude.

4. Svalbard – Norway – British Isles

East of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E, and North of
a line through:
74°N 3°E, 74°N 22°W.

Sei whale stock

1. Nova Scotia

South and West of a line through:
47°N 54°W, 46°N 54°30'W, 46°N 42°W, 20°N 42°W.

2. Iceland – Denmark Strait

East of a line through:
Kap Farvel (South Greenland), 59°N 44°W, 59°N 42°W,
20°N 42°W and
West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E, and
South of 74°N latitude

Classification of Stocks

8. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

(a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales.

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. *These stocks are listed in Tables 1 and 2 of this Schedule.*

For the 1977/78 pelagic season and the 1978 coastal season in the Southern Hemisphere and for the 1977 season in all other areas for stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level. For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY.

(b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below this level. The permitted catch for such stocks will not be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee. *Stocks classified as Initial Management Stock are listed in Tables 1 and 2 of this Schedule.*

(c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level.

There shall be no commercial whaling on species or stocks whilst they are classified as Protection Stocks. *Species and stocks so classified are listed in Tables 1 and 2 of this Schedule.*

Areas, Regions, Divisions, Stock Classifications and Quotas

Baleen whales.
Catch Limits.

9. The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 771 sei whales and 5,690 minke whales and 0 Bryde's whales (pending a satisfactory estimate of stock size), in the 1977/78 pelagic season and the 1978 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown in Table 1. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species.

10. The number of *baleen* whales taken in the North Pacific Ocean and dependent waters in 1978 and in the North Atlantic Ocean in 1978 shall not exceed the limits shown *in Table 1.*

11. Notwithstanding the provisions of paragraph 8 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, and the taking of gray whales by aborigines or a Contracting Government on behalf of aborigines is permitted but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

12. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

Size limits.

13. – (*a*) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) *in length* except that sei and Bryde's whales of not less than 35 feet (10.7 metres) may be taken for delivery to land stations, provided that, the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

Sperm Whales.
Catch limits.

14. The number of sperm whales taken in the Southern Hemisphere in the 1977/78 pelagic season and the 1978 coastal season shall not exceed 4,538 males and 1,370 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown *in Table 2.* However, in no circumstances shall the sum of the Division catches exceed total quotas.

15. *The number of sperm whales taken in the North Pacific Ocean and dependent waters in 1978 and in the North Atlantic Ocean in 1978 shall not exceed the limits shown in Table 2.*

16. *It is forbidden to take or kill suckling calves or female whales accompanied by calves.*

Size limits.

17. – (*a*) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).

(*b*) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40° South Latitude during the months of October to January inclusive.

FURTHER CONSEQUENTIAL CHANGES

In the Circular of 26 July (ref: RG/DG/1043) and 25 August (ref: RG/DG/1153) notification was given of a number of consequential alterations following the introduction of the new layout. The Government of Japan has since drawn the attention of the Secretariat to further consequential changes as follows:

in paragraph 23(a)(3) in the new numbering [para. 21 (a)(3) in the old numbering], "sub-paragraph 17(b)" should be "sub-paragraph 19(b)".

in paragraph 23(b)(2) in the new numbering [para. 21 (b)(2) in the old numbering], "paragraph 20" should be "paragraph 22".

in paragraph 24(b) in the new numbering [para. 22(b) in the old numbering], "paragraph 11" should be "paragraph 9".

Japan has also pointed out that in the Circular dated 26 July (ref: RG/DG/1043) the date "1977", which appears in line 6 of page 4 of Appendix 1, should have been "1978" so that sub-paragraph 4 of paragraph 8(a) of the re-numbered Schedule [para. 6(a) in the old numbering] reads:

"For the 1977/78 pelagic season and the 1978 coastal season in the Southern Hemisphere and for the 1978 season in all other areas for stocks between the MSY stock level and 10 per cent below that level, ...".

Additionally, during the preparation of the Schedule for printing the following items were noted as requiring similar consequential or editorial amendment:

in paragraph 1 [new and old numbering] the second set of inverted commas has been removed from the definition of "Bryde's whale";

in paragraph 3(e) [new and old numbering] "paragraph 10" should be "paragraph 6";

in paragraph 4 [new and old numbering] "paragraph 12" should be "paragraphs 10 and 15" and "this paragraph" should be "these paragraphs" so that the second part of paragraph 4 reads:

"... provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 10 and 15 of this Schedule and provided that these paragraphs shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.";

in paragraph 7(c) in the new numbering "Minke whale stock" should read "Minke whale stocks" and similarly "Sei whale stock" should read "Sei whale stocks".

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

SOUTHERN HEMISPHERE 1977/78 pelagic season and 1978 coastal season

AREA	LONGITUDES	SEI		MINKE		BRYDE'S		FIN		BLUE	HUMP BACK	RIGHT	GRAY	BOTTLE-NOSE
		Classification	Catch limit	Classification	Catch Limit	Classification	Catch limit	Classification	Catch limit	Classification	Classification	Classification	Classification	Classification
I	120°W—60°W	SMS	388	—	704	IMS	0	PS	0	PS	PS	PS	PS	—
II	60°W—0°	PS	0	—	1,150	IMS	0	PS	0	PS	PS	PS	PS	—
III	0°—70°E	PS	0	—	1,826	IMS	0	PS	0	PS	PS	PS	PS	—
IV	70°E —130°W	SMS	460	—	963	IMS	0	PS	0	PS	PS	PS	PS	—
V	130°E —170°W	PS	0	—	930	IMS	0	PS	0	PS	PS	PS	PS	—
VI	170°W—120°W	PS	0	—	688	IMS	0	PS	0	PS	PS	PS	PS	—
Total catch not to exceed—			771		5,690		*0		0	0	0	0	0	—
NORTHERN HEMISPHERE—1978 season														
NORTH PACIFIC														
Whole region		PS	0	—	—	IMS	524	PS	0	PS	PS	PS	PS	PS
Okhotsk Sea-West Pacific Stock		—	—	SMS	400	—	—	—	—	—	—	—	—	—
Sea of Japan Stock		—	—	SMS	—	—	—	—	—	—	—	—	—	—
Remainder		—	—	IMS	*0	—	—	—	—	—	—	—	—	—
NORTH ATLANTIC														
Whole region		—	—	—	—	—	—	—	—	PS	PS	PS	PS	PS††
West Greenland Stock		—	—	SMS	***397	—	—	SMS***	4	—	—	—	—	—
Newfoundland-Labrador Stock		—	—	—	—	—	—	IMS	90	—	—	—	—	—
Canadian East Coast Stock		—	—	SMS	48	—	—	—	—	—	—	—	—	—
Nova Scotia Stock		PS	0	—	—	—	—	PS	0	—	—	—	—	—
East Greenland-Iceland-Jan Mayen Stock		—	—	SMS	320	—	—	—	—	—	—	—	—	—
East Greenland-Iceland Stock		—	—	—	—	—	—	SMS	**304	—	—	—	—	—
Iceland-Denmark Strait Stock		SMS	84	—	—	—	—	—	—	—	—	—	—	—
Spain-Portugal-British Isles Stock		—	—	—	—	—	—	SMS†	—	—	—	—	—	—
Svalbard-Norway-British Isles Stock		—	—	SMS	1,790	—	—	—	—	—	—	—	—	—
West Norway-Faroe Islands Stock		—	—	—	—	—	—	PS	0	—	—	—	—	—
North Norway Stock		—	—	—	—	—	—	SMS***	61	—	—	—	—	—

* Pending a satisfactory estimate of stock size.
** The total catch of fin whales shall not exceed 1,524 in the six years 1977 to 1982 inclusive.
*** Provisionally listed as SMS for 1978, pending the accumulation of sufficient information for classification.
† Provisionally listed as SMS for 1978, catches not to exceed present catch levels.
†† Provisionally listed as PS for 1978, pending the accumulation of sufficient information for classification.

TABLE 2. SPERM WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

SOUTHERN HEMISPHERE 1977/78 pelagic season and 1978 coastal season

DIVISIONS	LONGITUDES	MALES		FEMALES	
		Classification	Catch limit	Classification	Catch limit
1	60°W–30°W	SMS	333	SMS	111
2	30°W–20°E	IMS	889	IMS	295
3	20°E–60°E	SMS	1,035	SMS	343
4	60°E–90°E	IMS	623	PS	0
5	90°E–130°E	SMS	590	IMS	195
6	130°E–160°E	IMS	304	IMS	101
7	160°E–170°W	SMS	257	SMS	143
8	170°W–100°W	IMS	961	IMS	319
9	100°W–60°W	PS	0	PS	0
Total quota not to exceed			4,538		1,370
NORTHERN HEMISPHERE					
North Pacific		PS	0	SMS	763
			TOTAL		
North Atlantic			Classification	Catch limit	
			SMS	685	

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Tokyo, 1977

Done at Tokyo 7 December 1977

Entered into force 21 March 1978

Primary source citation: 29 UST 2874, TIAS 8983

Whaling: Amendments to the Schedule to the International Whaling Convention of 1946

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21 March 1978

RG/DG/5532

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his circular letters of 20 December 1977 and 36 January 1978 (ref: RG/PRP/1471 and 1563) notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Special Meeting of the Commission held in Tokyo, 6–7 December 1977.

No objections have been received to the amendments, a copy of which is enclosed, and they therefore become binding on all Contracting Governments from 21 March 1978.

A revised edition of the Schedule is being printed and will be circulated shortly.

The Secretary requests an acknowledgement of this communication, a copy of which is being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

AMENDMENTS TO THE SCHEDULE

At the Special Meeting held in Tokyo, 6–7 December 1977, the Commission adopted the following amendments to the Schedule dated November 1977.

(A) Paragraph 7

Add new sub-paragraph:

(d) Geographical boundaries in the North Pacific

(1) Western Division

West of a line from the ice edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 170°W, 50°N, then south along the 170°W meridian of longitude to 170°W, 40°N, then east along the 40°N parallel of latitude to 160°W, 40°N, then south along the 160°W meridian of longitude to the equator.

(2) Eastern Division

East of the line described in (1).

(B) Paragraph 11

Amend to read (new wording underlined):

Notwithstanding the provisions of paragraph 8 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, and the taking of gray whales, and of bowhead whales from the Bering Sea stock, by aborigines or a Contracting Government on behalf of aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided, with respect to the Bering Sea stock of bowhead whales that:

(a) in 1978, hunting shall cease when either 18 have been struck or 12 landed,

(b) It is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

(C) Table 2. NORTHERN HEMISPHERE

Amend to read (changes underlined):

NORTHERN HEMISPHERE—1978 season

	MALES		FEMALES	
	Classification	Catch limit	Classification	Catch limit
NORTH PACIFIC				
Western Division	SMS	2,987	SMS	784
Eastern Division	IMS	2,118	IMS	555
NORTH ATLANTIC				

Total	
Classification	Catch limit
SMS	685

(D) Paragraph 17

Add new sub-paragraph:

(c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent waters south of 40° North latitude during the months of March to June inclusive.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1978

Done at London 30 June 1978

Entered into force 20 October 1978

Primary source citation: 30 UST 1639, TIAS 9271

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Dr. Ray Gambell

21 July 1978

RG/PRP/1938

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

1. At its 30th Annual Meeting held in London, 26-30 June 1978, the Commission agreed to the following amendments to the Schedule:

A. Substantive amendments (changes and new wording underlined)

Paragraph 1.

Amend to read as shown in the Appendix

Paragraph 7(d)

Amend to read:

"Geographical boundaries in the North Pacific
The geographical boundaries for the sperm and Bryde's whale stocks in the North Pacific are:

Sperm whale stocks

1. Western Division

West of a line from the ice edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the equator.

2. Eastern Division

East of the line described in 1.

Bryde's whale stocks

1. Western Stock

West of the 160°W meridian of longitude

2. Eastern Stock

East of the 160°W meridian of longitude"

Paragraph 9.

Amend to read:

"The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 6,221 minke whales and 0 Bryde's whales (pending a satisfactory estimate of stock size), in the 1978/79 pelagic season and the 1979 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown in Table 1. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species."

Paragraph 10.

Amend to read:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1979 and in the North Atlantic Ocean in 1979 shall not exceed the limits shown in Table 1."

Table 1.

Amend to read as shown. [appended]

Paragraph 11.

Amend to read:

"..... with respect to the Bering Sea stock of bowhead whales that:

(a) in 1978, hunting shall cease when either 20 have been struck or 14 landed,*

(b) in 1979, hunting shall cease when either 27 have been struck or 18 landed,

(c) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf."

* subject to legal advice

Paragraph 14.

Amend to read:

"The number of sperm whales taken in the Southern Hemisphere in the 1978/79 pelagic season and the 1979 coastal season shall not exceed 4,222 males and 1,214 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown in Table 2."

Paragraph 15.

Amend to read:

"The number of sperm whales taken in the North Pacific Ocean and dependent waters in 1979 and in the North Atlantic Ocean in 1979 shall not exceed the limits shown in Table 2."

Table 2.

Amend to read as shown. [appended]

New paragraph to follow the present paragraph 23, all subsequent paragraphs to be renumbered.

"24 (a) All whale catchers operating in conjunction with factory ships and land stations shall report the following information on each whale taken:

(1) Methods used to kill a whale, other than a harpoon, and in particular compressed air.

(2) Number of whales struck but lost.

(b) A record similar to that described in sub-paragraph (a) of this paragraph shall be maintained by vessels engaged in "small-type whaling" operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said sub-paragraph shall be entered therein as soon as available."

Paragraph 26(a)(1) [old numbering, new paragraph 27(a)(1)]

Amend to read:

"both ovaries or the combined weight of both testes"

B. Consequential changes

Paragraph 8(a)

Amend the fourth paragraph to read:

"For the 1978/79 pelagic season and the 1979 coastal season in the Southern Hemisphere and for the 1979 season in all other areas ..."

Paragraph 24(a) [old numbering, new paragraph 25(a)]

Amend third line to read:

"... of data on the number of Bryde's and minke whales taken ..."

[Note that the Schedule dated April 1978 contains a misprint in this line — the word 'fin' should have been deleted following the 29th Annual Meeting.]

2. These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

3. The ninety days period will expire on 19 October 1978. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

4. Please acknowledge receipt of this letter, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Revised paragraph 1 of the Schedule (new wording underlined)

1. The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth, ie. any whale other than a toothed whale.

"beaked whale" means any whale belonging to the genus *Mesoplodon,* or any whale known as Cuvier's beaked whale *(Ziphius cavirostris), or Shepherd's beaked whale (Tasmacetus shepherdi).*

"blue whale" *(Balaenoptera musculus)* means any whale known as blue whale, Sibbald's rorqual, or sulphur bottom, and including pygmy blue whale.

"bottlenose whale" means any whale known as Baird's beaked whale *(Berardius bairdii),* Arnoux's whale *(Berardius arnuxii),* southern bottlenose whale *(Hyperoodon planifrons),* or northern bottlenose whale *(Hyperoodon ampullatus).*

"bowhead" *(Balaena mysticetus)* means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

"Bryde's whale" *(Balaenoptera edeni, B. brydei) means any whale known* as Bryde's whale.

"dauhval" means any unclaimed dead whale found floating.

"fin whale" *(Balaenoptera physalus)* means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

"gray whale" *(Eschrichtius robustus)* means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"humpback whale" *(Megaptera novaeangliae)* means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"killer whale" *(Orcinus orca)* means any whale known as killer whale or orca.

"minke whale" *(Balaenoptera acutorostrata, B. bonaerensis)* means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"pilot whale" means any whale known as long-finned pilot whale *(Globicephala melaena)* or short-finned pilot whale *(G. macrorhynchus)*.

"right whale" *(Eubalaena glacialis, E. australis)* means any whale known as Atlantic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, Southern right whale.

"pygmy right whale" *(Caperea marginata)* means any whale known as southern pygmy right whale, pygmy right whale.

"sei whale" *(Balaenoptera borealis)* means any whale known as sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale.

"sperm whale" *(Physeter macrocephalus)* means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

"toothed whale" means any whale which has teeth in the jaws.

"lost whale" means any whale that has been taken but not delivered to the factory ship or land station.

"whales taken" means whales that have been killed and either flagged or made fast to catchers.

"lactating whale" means (a) with respect to baleen whales — a female which has any milk present in a mammary gland, (b) with respect to sperm whales — a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre: that is to say, any gland between 9.5cm and 10.5cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g. 10.5cm shall be logged as 11.0cm.

However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

"small-type whaling" means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

SOUTHERN HEMISPHERE — 1978/79 pelagic season and 1979 coastal season.

AREA	LONGITUDES	SEI		MINKE		BRYDE'S		FIN		BLUE	HUMP-BACK	RIGHT, BOWHEAD, PYGMY RIGHT	GRAY		BOTTLE NOSE
		Classi-fication	Catch limit	Classi-fication	Catch limit	Classi-fication	Catch limit	Classi-fication	Catch limit	Classi-fication	Classi-fication	Classi-fication	Classi-fication	Catch limit	Classi-fication
I	120°W — 60°W	PS	0	-	738	IMS	0	PS	0	PS	PS	PS	-	-	-
II	60°W — 0°	PS	0	-	1,272	IMS	0	PS	0	PS	PS	PS	-	-	-
III	0° — 70°E	PS	0	-	2,510	IMS	0	PS	0	PS	PS	PS	-	-	-
IV	70°E — 130°E	PS	0	-	1,389	IMS	0	PS	0	PS	PS	PS	-	-	-
V	130°E — 170°W	PS	0	-	563	IMS	0	PS	0	PS	PS	PS	-	-	-
VI	170°W — 120°W	PS	0	-	371	IMS	0	PS	0	PS	PS	PS	-	-	-
Total catch not to exceed —			0		6,221		0*		0	0	0	0	-	-	-
NORTHERN HEMISPHERE — 1979 season															
ARCTIC		-	-	-	-	-	-	-	-	-	-	PS	-	-	-
NORTH PACIFIC															
Whole region		PS	0	-	-	-	-	PS	0	PS	PS	PS	-	-	-
Okhotsk Sea-West Pacific Stock		-	-	SMS	400	-	-	-	-	-	-	-	-	-	-
Sea of Japan Stock		0	0	SMS	-	-	-	-	-	-	-	-	-	-	-
Remainder		0	0	IMS	0°	-	-	-	-	-	-	-	-	-	-
Eastern Stock		-	-	-	-	IMS	0°	-	-	-	-	-	SMS	178+++	-
Western Stock		-	-	-	-	IMS	454	-	-	-	-	-	PS	0	-
NORTH ATLANTIC															
Whole region		-	-	-	-	IMS	0°	-	-	PS	PS	PS	-	-	PS++
West Greenland Stock		-	-	SMS***	394	-	-	SMS***	15[1]	-	-	-	-	-	-
Newfoundland-Labrador Stock		-	-	-	-	-	-	IMS	90	-	-	-	-	-	-
Canadian East Coast Stock		-	-	SMS	48	-	-	-	-	-	-	-	-	-	-
Nova Scotia Stock		PS	0	-	-	-	-	PS	0	-	-	-	-	-	-
East Greenland-Iceland Jan Mayen Stock		-	-	SMS	320	-	-	-	-	-	-	-	-	-	-
East Greenland-Iceland Stock		-	-	-	-	-	-	SMS	304**	-	-	-	-	-	-
Iceland-Denmark Strait Stock		SMS	84	-	-	-	-	-	-	-	-	-	-	-	-
Spain-Portugal-British Isles Stock		-	-	-	-	-	-	SMS+	-	-	-	-	-	-	-
Svalbard-Norway-British Isles Stock		-	-	SMS	1,790	-	-	-	-	-	-	-	-	-	-
West Norway-Faroe Islands Stock		-	-	-	-	-	-	PS	0	-	-	-	-	-	-
North Norway Stock		-	-	-	-	-	-	SMS***	61	-	-	-	-	-	-

* Pending a satisfactory estimate of stock size

** The total catch of fin whales shall not exceed 1,524 in the six years 1977 to 1982 inclusive

*** Provisionally listed as SMS for 1979, pending teh accumulation of sufficient information for classification

\+ Provisionally listed as SMS for 1979, catches not to exceed present catch levels

++ Provisionally listed as PS for 1979, pending the accumulation of sufficient information for classification

+++ Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 11, but not for commercial purposes

1 The combined catch limit of fin and humpback whales in West Greenland waters shall not exceed 15 whales

TABLE 2. SPERM WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

SOUTHERN HEMISPHERE — 1978/79 pelagic season and 1979 coastal season

DIVISIONS	LONGTITUDES	MALES		FEMALES	
		Classification	Catch limit	Classification	Catch limit
1	60°W — 30°W	SMS	273	SMS	91
2	30°W — 20°E	IMS	808	IMS	241
3	20°E — 60°E	SMS	847	SMS	281
4	60°E — 90°E	IMS	566	PS	0
5	90°E — 130°E	SMS	402	IMS	159
6	130°E — 160°E	IMS	276	IMS	83
7	160°E — 170°W	SMS	176	SMS	98
8	170°W — 100°W	IMS	874	IMS	261
9	100°W — 60°W	PS	0	PS	0

NORTHERN HEMISPHERE — 1979 season

NORTH PACIFIC					
	Western Division	SMS	-[2]	SMS	-[2]
	Eastern Division	IMS	-[2]	IMS	-[2]

	TOTAL	
	Classification	Catch Limit
NORTH ATLANTIC	SMS	685

2 Catch limits for 1979 are to be set later by decision of the Commission before operations start.

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Dr. Ray Gambell

20 October 1975

RG/PRP/2074

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his letter of 21 July 1978 (ref: RG/PRP/1938) notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's 30th Annual Meeting held in London, 26–30 June 1978.

No objections have been received to the amendments which therefore become binding on all Contracting Governments from 20 October 1978.

Further copies of the amendments adopted may be obtained from this office on request. A revised edition of the schedule incorporating these changes is being printed and will be circulated shortly.

The secretary requests an acknowledgement of this Communication, a copy of which is also being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Tokyo, 1978

Done at Tokyo 20 December 1978

Entered into force 6 April 1979

Primary source citation: 30 UST 2852, TIAS 9366

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6 April 1979

RG/PRM/2352

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his circular letter of 5 January 1979 (ref: RG/PRM/2194) notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Special Meeting of the Commission held in Tokyo, 19–20 December 1978.

No objections have been received to the amendments, a copy of which is enclosed, and they therefore become binding on all Contracting Governments from 6 April 1979.

A revised edition of the Schedule is being printed and will be circulated shortly.

The Secretary requests an acknowledgement of this communication, a copy of which is being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

International Convention for the Regulation of Whaling, 1946

Amendments to the Schedule

1. At the Special Meeting held in Tokyo, 19–20 December 1978, the Commission agreed to the following amendments to the Schedule:

A. Substantive amendments (changes and new wording underlined)

Table 2. Sperm whale stock classifications and catch limits

Amend entry for Southern Hemisphere Division 5 to read:

"5	90°E—130°E	PS	0	SMS	0"

Amend entries for North Pacific to read:

"Western Division	SMS[1]	2698	SMS[1]	0
Eastern Division	SMS[1]	1102	SMS[1]	0
Total:		3800[2]		0

[1] Provisionally listed as SMS for 1979

[2] Included within this figure there may be a by-catch of females not to exceed 11.5% and all whaling operations are to cease when the by-catch is reached."

Amend second part of paragraph 26 and renumber it as new paragraph 27 to read:

"Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:

(a) The name and gross tonnage of each factory ship.

(b) For each catcher ship attached to a factory ship or land station

(i) The dates on which each is commissioned and ceases whaling for the season

(ii) The number of days on which each is at sea on the whaling grounds each season

(iii) Where possible, the time spent each day on different components of the catching operation

(iv) The gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified

(v) Any modification of the above measures or data from other suitable indicators of fishing effort for "small-type whaling" operations.

(c) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.

The information required under paragraphs (b) (iii) to (b) (v) should be recorded in the log book format shown in Appendix A."

B. Consequential amendments

Paragraph 14

Amend to read:

"14. The number of sperm whales taken in the Southern Hemisphere in the 1978/79 pelagic season and the 1979 coastal season shall not exceed 3820 males and 1055 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown in Table 2."

Paragraph 28

Renumber as 29.

Amend existing Paragraph 27 and renumber as 28 to read:

27.—(a) Where possible all factory ships and land stations shall collect from each whale taken and report on:

(1) both ovaries or the combined weight of both testes.

(2) at least one ear plug, or one tooth (preferably first mandibular).

(b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken and reported by small-type whaling operations conducted from shore or by pelagic fleets.

(c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with the platform or other identification number of the whale and be appropriately preserved.

(d) A Contracting Government shall arrange for the analysis as soon as possible of the tissue samples and specimens collected under sub-paragraphs (a) and (b) and report on the results of such analyses.

International Convention for the Regulation of Whaling, 1946

Schedule Appendix A

Title Page (one logbook per catcher per season)

CATCHER NAME _____ YEAR BUILT_____

ATTACHED TO EXPEDITION/LAND STATION _____

SEASON _____

OVERALL LENGTH _____ WOODEN/STEEL HULL

GROSS TONNAGE _____

TYPE OF ENGINE_____ H.P. _____

MAXIMUM SPEED _____ AVE. SEARCHING SPEED _____

ASDIC SET, MAKE AND MODEL NO. _____

DATE OF INSTALLATION _____

MAKE AND SIZE OF CANNON _____

TYPE OF FIRST HARPOON USED (EXPLOSIVE, ELECTRIC, NON-EXPLOSIVE) _____

TYPE OF KILLER HARPOON USED _____

LENGTH AND TYPE OF FORERUNNER _____

TYPE OF WHALELINE _____

HEIGHT OF BARREL ABOVE SEA LEVEL _____

SPEEDBOAT USED, YES/NO

NAME OF CAPTAIN_____

NUMBER OF YEARS EXPERIENCE _____

NAME OF GUNNER_____

NUMBER OF YEARS EXPERIENCE_____

NUMBER OF CREW_____

Daily record sheet

DATE _____ CATCHER NAME _____ SHEET NO. _____

SEARCHING:	TIME STARTED (OR RESUMED) SEARCHING					
	TIME WHALES SEEN					
	WHALE SPECIES					
	NUMBER SEEN and NO. OF GROUPS					
	POSITION FOUND					
	NAME OF CATCHER THAT FOUND WHALES					
CHASING:	TIME STARTED CHASING (OR CONFIRMED WHALES)					
	TIME WHALE SHOT or CHASING DISCONTINUED					
	ASDIC USED (YES/NO)					
HANDLING:	TIME WHALE FLAGGED or ALONGSIDE FOR TOWING					
	SERIAL NO. OF CATCH					
TOWING:	TIME STARTED PICKING UP					
	TIME FINISHED PICKING UP or STARTING TOWING					
	DATE AND TIME DELIVERED TO FACTORY					
RESTING:	TIME STOPPED (FOR DRIFTING OR RESTING)					
	TIME FINISHED DRIFTING/RESTING					
	TIME CEASED OPERATIONS					

TOTAL SEARCHING TIME _____
TOTAL CHASING TIME _____
TOTAL HANDLING TIME _____
TOTAL TOWING TIME _____
TOTAL RESTING TIME _____
OTHER TIME
(e.g. bunkering, in port) _____

WEATHER CONDITIONS

TIME	SEA STATE	WIND FORCE & DIRECTION	VISIBILITY

WHALES SEEN (No. and No. of schools)

BLUE _____ BRYDE _____
FIN _____ MINKE _____
HUMPBACK _____ SPERM _____
RIGHT _____ OTHERS _____
SEI _____ (specify) _____

SIGNED _____

Amendments to the Schedule to the International Convention for the Regulation of Whaling, London, 1979

Done at London 13 July 1979

Entered into force 24 October 1979 except for a provision in Table I which entered into force 22 January 1980

Primary source citation: 31 UST 4815, TIAS 9642

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25 JULY 1979

RG/CAB/2602

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 31st Annual Meeting held in London, 9–13 July 1979, the Commission agreed to the following amendments to the Schedule.

Substantive amendments [changes and new wording underlined]

New paragraph to precede the present paragraph 5 in Section III Capture, all succeeding paragraphs to be renumbered:

"5. In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100 degrees East, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20 degrees East to 130 degrees East, with the Southern boundary set at 55 degrees South. This prohibition applies irrespective

of the classifications of baleen or toothed whale stocks in the Sanctuary, as may from time to time be determined by the Commission. This prohibition will apply for ten years, with the provision for a general review after five years, unless the Commission decides otherwise."

Paragraph 8 [old numbering, new paragraph 9].
Add new sub-paragraph to read:

"9(d). Notwithstanding the other provisions of paragraph 9 there shall be a moratorium on the taking, killing, or treating of whales, excluding minke whales, by factory ships or whale catchers attached to factory ships."

Paragraph 9 [old numbering, new paragraph 10].
Amend to read:

"10. The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 8102 minke whales and 264 Bryde's whales in the 1979/80 pelagic season and the 1980 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown in Table 1. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species."

Paragraph 10 [old numbering, new paragraph 11].
Amend to read:

"11. The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1980 and in the North Atlantic Ocean in 1980 shall not exceed the limits shown in Table 1."

Table 1.
Amend to read as shown (appended).

Paragraph 11 [old numbering, new paragraph 12].
Amend to read:

". . . with respect to the Bering Sea stock of bowhead whales that:

(a) In 1980, hunting shall cease when either 26 have been struck or 18 landed,

(b) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf."

Paragraph 14 [old numbering, new paragraph 15].
Amend to read:

"15. The number of sperm whales taken in the Southern Hemisphere in the 1979/80 pelagic season and the 1980 coastal season shall not exceed 580. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown in Table 2."

Paragraph 15 [old numbering, new paragraph 16].
Amend to read:

"16. The number of sperm whales taken in the North Pacific Ocean and dependent waters in 1980 and in the North Atlantic Ocean in 1980 shall not exceed the limits shown in Table 2."

Table 2.
Amend to read as shown (appended).

New paragraph to be added before paragraph 29 [old numbering, new paragraph 31].

"30. A Contracting Government shall provide the Secretariat with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to review and comment on them. The proposed permits should specify:

(a) objectives of the research;

(b) number, sex, size and stock of the animals to be taken;

(c) opportunities for participation in the research by scientists of other nations; and

(d) possible effect on conservation of the stock.

Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual meetings when possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual meeting of the Scientific Committee."

Consequential changes

Paragraph 8(a) [old numbering, new paragraph 9(a)].
Amend fourth paragraph to read:

"For the 1979/80 pelagic season and the 1980 coastal season in the Southern Hemisphere and for the 1980 season in all other areas . . ."

Paragraph 11 [old numbering, new paragraph 12].
Amend to read:

"Notwithstanding the provisions of paragraph 9 the taking . . ."

Paragraph 18 [old numbering, new paragraph 19].
Amend to read:

". . . classified as Protection Stocks in paragraph 9 or are taken . . . in contravention of paragraphs 2, 3, 5, 6, 10, 11, 15 and 16 of this Schedule."

Paragraph 23 [old numbering, new paragraph 24].
Amend sub-paragraph 24(a)(3) to read:

"(3) Its marking effected pursuant to sub-paragraph 20(b)."

Amend sub-paragraph 24(b)(2) to read:

"(2) Length, measured pursuant to paragraph 23."

Paragraph 25 [old numbering, new paragraph 26].
Delete from sub-paragraph 26(a), line three, the words "Bryde's and"

Amend sub-paragraph 26(b) to read:

". . . permitted by paragraph 19. . ."

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 23 October 1979. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Please acknowledge receipt of this letter, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Comments by the Secretary

In drawing up the amendments to the Schedule adopted at the 31st Annual Meeting, the Secretary wishes to draw attention to four points.

1. Southern Hemisphere minke whale catches

   In the plenary session the Chairman of the Scientific Committee made amendments to the figures for Area I and the Total given in the report of the Technical Committee (SC/31/5). However, the Technical Committee figures are correct based on the revised numbers issued for the table at the foot of page 12 of the Report of the Scientific Committee (SC/31/4). The recommended combined catch limit for Area I is 964, which with a 10% allowance gives 1060, while the sum of the combined catch limit for Areas I—VI is 8102 whales.

2. New Sub-paragraph 9(d)

   The amended wording adopted in the plenary session includes the words "excluding minke whales." In paragraphs 2(a), 3(b), new 6 and in similar contexts the Schedule has been consistent previously in using the term"except". It is suggested that this matter be referred to the Legal Working Group of the Technical Committee during the coming year.

3. Amendment to new paragraph 12

   The Technical Committee had before it a proposed amendment to the Schedule submitted by the USA (IWC/31/29). Discussion of this amendment both in Technical Committee and subsesequently in plenary session was limited entirely to the number of Bering Sea bowheads that might be struck and landed. Neither the new layout nor the addition of the substantive new sub-paragraph requiring information collection and recording where practicable were considered. The amendment finally adopted in plenary was therefore phrased in the terms of the existing paragraph 11(a).

   It is suggested that the new layout, which follows the form contained in the proposal of the Technical Committee Working Group on Subsistence/Aboriginal whaling (IWC/31/5 WG1) might be considered during the year through the Legal Working Group, and that the substantive addition be considered in the agenda of the 32nd Annual Meeting.

4. The Technical Committee Legal Working Group pointed out that the Bottlenose whale should not be listed in Table 1 as a Baleen Whale. This species has therefore been transferred to Table 2, which has been re-titled Toothed Whale . . . , as an editional correction to the Schedule.

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24 October 1979

RG/CAB/2795

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his letters of 25 July 1979 (ref: RG/CAB/2602) and 13 August 1979 (ref: RG/CAB/2624) notifying Contracting Governments of the amendments to the Schedule of the Convention agreed at the Commission's 31st Annual Meeting held in London 9 – 13 July 1979.

Pursuant to Article V paragraph 3 of the Convention the Government of Spain has lodged an objection to the catch limit of *143 fin whales for the Spain-Portugal-British Isles* stock of the North Atlantic. It states that "the Spanish delegation opposed such measure at the meeting and the Spanish [Government] reiterates its objection."

According to the procedure laid down in Article V paragraph 3 of the Convention, this amendment shall therefore not become effective with respect to any Contracting Government for an additional 90 days, that is until 21 January 1980.

During this period any other Contracting Government may present objection to this amendment at any time prior to the expiration of the additional 90 day period, or before the expiration of 30 days from the date of receipt by the Commission of the last objection received during the additional 90 day period, whichever date shall be the later.

Thereafter, the amendment shall become effective with respect to all contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn.

The Commission will notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government should acknowledge receipt of all notifications of amendments, objections and withdrawals.

No objections have been received to any other amendments adopted at the 31st Annual Meeting, and these therefore become binding on all Contracting Governments from 24 October 1979.

The Secretary requests an acknowledgement of this Communication, a copy of which is also being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

TABLE 1. *BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS Excl*

Southern Hemisphere—1979/80D pelagic season and 1980 coastal season

Area	Longitudes	SEI		Minke		Bryde's		Fin		Blue classification	Humpback classification	Right, Bowhead, Pygmy Right classification	Gray	
		Classification	Catch limit	Classification	Catch Limit	Classification	Catch limit	Classification	Catch limit				Classification	Catch limit
I	120°W-60°W	PS	0	—	1060	SMS	264	PS	0	PS	PS	PS	—	—
II	60°W-0°	PS	0	—	1370	IMS[1]	0	PS	0	PS	PS	PS	—	—
III	0°-70°E	PS	0	—	2718	IMS	[2]0	PS	0	PS	PS	PS	—	—
IV	70°E-130°W	PS	0	—	2042	IMS	[2]0	PS	0	PS	PS	PS	—	—
V	130°E-170°W	PS	0	—	1454	IMS	[2]0	PS	0	PS	PS	PS	—	—
VI	170°W-120°W	PS	0	—	267	IMS	[2]0	PS	0	PS	PS	PS	—	—
Total catch not to exceed					8102		264							
Northern Hemisphere—1980 season														
Arctic		—	—	—	—	—	—	—	—	—	—	—	—	—
North Pacific:														
Whole region		PS	0	—	—	—	—	PS	0	PS	PS	PS		—
Okhotsk Sea-West Pacific Stock		—	—	SMS	[3]421	—	—	—	—	—	—	—	—	—
Sea of Japan Stock		—	—	SMS	[4]940	—	—	—	—	—	—	—	—	—
Remainder		—	—	IMS	[1]0	—	—	—	—	—	—	—	—	—
Eastern Stock		—	—	—	—	IMS	[2]0	—	—	—	—	—	SMS	[5]179
Western Stock		—	—	—	—	IMS	460	—	—	—	—	—	PS	0
East China Sea		—	—	—	—	SMS[6]	19	—	—	—	—	—	—	—
North Atlantic:														
Whole region		—	—	—	—	IMS	[2]0	—	—	PS	PS	PS	—	—
West Greenland Stock		—	—	SMS[7]	385	—	—	SMS[7]	([6])	—	—	—	—	—
Newfoundland-Labrador Stock		—	—	—	—	—	—	90	—	—	—	—	—	—
Canadian East Coast Stock		—	—	SMS	48	—	—	—	—	—	—	—	—	—
Nova Scotia Stock		PS	0	—	—	—	—	PS	0	—	—	—	—	—
East Greenland-Iceland-Jan Mayen Stock		—	—	SMS	320	—	—	—	—	—	—	—	—	—
East Greenland-Iceland Stock		SMS	[9]100	—	—	—	—	—	—	—	—	—	—	—
Iceland Greenland-Iceland Stock		—	—	—	—	—	—	SMS[1]0	143	—	—	—	—	—
Spain-Portugal-British Isles Stock		—	—	—	—	—	—	SMS[1]0	143	—	—	—	—	—
Svalbard-Norway-British Isles Stock		—	—	SMS	1790	—	—	—	—	—	—	—	—	—
West Norway-Faroe Islands Stock		—	—	—	—	—	—	PS	0	—	—	—	—	—
North Norway Stock		—	—	—	—	—	—	SMS[7]	61	—	—	—	—	—
North Indian Ocean		—	—	—	—	IMS	[2]0	—	—	—	—	—	—	—

[1] Provisionally listed as IMS for 1980.

[2] Pending a satisfactory estimate of stock size.

[3] The total catch of minke whales shall not exceed 1678 in the five years 1980 to 1984 inclusive.

[4] The total catch of minke whales shall not exceed 3634 in the five years 1980 to 1984 inclusive.

[5] Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 12, but not for commercial purposes.

[6] Pending analysis of available and new data.

[7] Provisionally listed as SMS for 1980, pending the accumulation of sufficient information for classification.

[8] The total catch of fin whales shall not exceed 1524 in the six years 1977 to 1982 inclusive.

[9] The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.

[10] Provisionally listed as SMS for 1980.

TABLE 2. *Toothed Whale Stock Classifications and Catch Limits*

Divisions	Longitudes	Sperm		Bottlenose	
		Classification	Catch limit	Classification	Catch limit
Southern Hemisphere 1979/80 pelagic season and 1980 coastal season					
1	60°W – 30°W	SMS[1]	30	—	—
2	30°W – 20°E	—	0	—	—
3	20°E – 60°E	—	0	—	—
4	60°E – 90°E	—	0	—	—
5	90°E – 130°E	—	0	—	—
6	130°E – 160°E	—	0	—	—
7	160°E – 170°W	—	0	—	—
8	170°W – 100°W	—	0	—	—
9	100°W – 60°W	SMS[1]	[2]550	—	—
Northern Hemisphere—1980 season					
North Pacific:					
Western Division:					
Males		SMS[1]	[3]1350		
Females		—	0	—	—
Eastern Division:					
Males		—	0		
Females		—	0	—	—
North Atlantic		SMS[1]	273	PS[4]	0
Northern Indian Ocean		—	0		

[1] Provisionally listed as SMS for 1980.

[2] The catch in 1980 shall not exceed 550 or 50% of the 1978 catch and the catch in 1981 shall not exceed 300 or 25% of the 1978 catch, whichever is the lower in each year. The catch in 1982 shall be zero.

[3] Included within this figure there may be a by-catch of females not to exceed 11.5% and all whaling operations for this species are to cease when the by-catch is reached.

[4] Provisionally listed as PS for 1980, pending the accumulation of sufficient information for classification.

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Brighton, 1980

Done at Brighton 26 July 1980

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27 August 1980

RG/CAB/3540

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 32nd Annual Meeting held in Brighton, 21 - 26 July 1980, the Commission agreed to the following amendments to the Schedule.

A. Substantive amendments [changes and new wording underlined]

1. New paragraph to precede the present paragraph 5 in Chapter III Capture, all succeeding paragraphs to be renumbered:

"The killing for commercial purposes of whales, except minke whales, using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons."

2. New sub-paragraph (e) to be added to [old] paragraph 8:

" (e) Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere and Northern Indian Ocean.

Indian Ocean

20°E to the Australian coast
40°S to the coast north of the Equator

Solomon Islands

150°E to 170°E
20°S to 10°S

Western South Pacific

Australian coast to 150°W.
40°S to the Equator
(excluding the Solomon Islands stock area)

Peruvian

110°W to the South American coast
10°S to 10°N

Eastern South Pacific

150° W to the South American coast
40°S to the Equator
(excluding the Peruvian stock area)"

3. New sentence to be added to [old] sub-paragraph 9(d):

"This moratorium applies to sperm whales, killer whales and baleen whales, excluding minke whales."

4. Amend Schedule Tables 1 and 2 and reorganise into three tables as shown in Appendix 1 of this document.

5. Replace [old] sub-paragraph 12(a) with the following:

"For the years 1981 through 1983, inclusive, the total number of whales landed shall not exceed 45 and the total number of whales struck shall not exceed 65, provided, however, that in any one year the number of whales landed shall not exceed 17."

6. Revise Schedule Appendix A as shown in Appendix 2 of this document by amending Table 1 and adding Table 2.

B. Legal Revision of the Schedule

The revision and re-organisation of the Schedule proposed by the Technical Committee Working Group as circulated by the Secretary in a Communication dated 26 October 1979 (ref: RG/CAB/2752) was adopted with two changes. Together with the insertion of a date in [old] paragraph 5, the addition of a sentence to [old] paragraph 12, and certain consequential changes resulting from the decisions detailed in section A above, the revisions adopted are as follows:

CHAPTER I. INTERPRETATION (paragraph 1)

Divide the listing into three parts: baleen whales, toothed whales, and general. Under the first two parts, the various whale species are listed alphabetically. Under the third part the following terms are included, in this order:

"strike" means to penetrate with a weapon used for whaling.

"take" means to flag, buoy or make fast to a whale catcher.

"land" means to retrieve to a factory ship, land station, or other place where a whale can be treated.

"lose" means to either strike or take but not land.

"dauhval" [definition unchanged].

"lactating whale" [definition unchanged].

"small-type whaling" [definition unchanged].

The terms "lost whale" and "whales taken" are deleted from the list of definitions.

CHAPTER II. SEASONS

Re-arrange in following order:

"Factory Ship Operations

2. (a)
(b) (with consequential changes)
(c)
(d)

4. (to be renumbered as "3" and to read ". . . as provided in paragraphs 12 and 17. . .")

Land Station Operations

3. (a) (to be renumbered as "4. (a)")
(b)
(c)
(d)
(e) (with consequential change from deletion of [old] Paragraph 7)

Other Operations

2. (e) (to be renumbered as "5")"

CHAPTER III. CAPTURE

Insert a date in the last sentence of [old] paragraph 5:

"This prohibition will apply for 10 years from 24 October 1979 with the provision for a general review after 5 years, unless the Commission decides otherwise."

Delete paragraph 7 and revise [old] paragraph 8 as follows:

"9. (a) Classification of Areas

Areas relating to Southern Hemisphere baleen whales are those waters between the ice-edge and the equator and between the meridians of longitude listed in Table 1.

(b) Classification of Divisions

Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the equator and between the meridians of longitude listed in Table 3.

(c) Geographical Boundaries in the North Atlantic

The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are: . . . "

Delete the numbering of the individual stocks and divisions in [old] paragraphs 8(c) and (d), and amend [old] paragraph 8(d) Sperm Whale Stocks, Eastern Division to read:

"East of the line described above."

Amend the fourth paragraph in [old] paragraph 9(a) to read:

"10. (a) . . .

For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 percent of the MSY. For stocks between the MSY stock level and 10 percent below that level, the permitted catch shall not exceed . . . falls short of the MSY stock level."

Amend [old] paragraph 9(c) to read:

"10. (c) A Protection Stock . . . below MSY stock level.

There shall be no commercial whaling on Protection Stocks.

Stocks so classified are listed in Tables 1, 2 and 3 of this Schedule

Amend [old] paragraph 10 to read:

"11. The number of baleen whales taken in the Southern Hemisphere in the 1980/81 pelagic season and the 1981 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the Area catches exceed the total catch limit for each species."

Revise [old] paragraph 12 to read:

"13. (a) Notwithstanding the provisions of paragraph 10

(i) the taking of 10 humpback whales . . . less than 50 gross register tonnage are used for this purpose;

(ii) the taking of bowhead whales from the Bering Sea stock by aborigines is permitted, but only when the meat and products . . . consumption by the aborigines, and further provided that:

(1) [as set out in section A5 of this document]

(2) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

(b) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines. The number of gray whales taken in accordance with this sub-paragraph in 1981 shall not exceed the limit shown in Table 1.

Amend footnote 5 in Table 1 to read:

"[5] Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)."

Amend [old] paragraph 14(b) to read:

"15(b) It is forbidden . . . Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken in the Southern Hemisphere for delivery to land stations and fin whales of not less than 50 feet (15.2 metres) may be taken in the Northern Hemisphere for delivery to land stations . . .

Amend [old] paragraph 15 to read:

"16. The number of sperm whales taken in the Southern Hemisphere in the 1980/81 pelagic season and the 1981 coastal season shall not exceed the limits shown in Table 3."

CHAPTER IV. TREATMENT

Revise [old] paragraph 19(a) to read:

"20. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales which are classified as Protection Stocks in paragraph 10 or are taken in contravention of paragraphs 2, 3, 4, 5, 6, 7, 8, 11, 12, 16 and 17 of this Schedule, whether or not taken by whale catchers under the jurisdiction of a Contracting Government."

Revise the beginning of [old] paragraph 19(b) to read:

"20. (b) All other whales taken, except minke whales, shall . . ."

CHAPTER VI. INFORMATION REQUIRED

Amend [old] paragraphs 25, 26, 28 and 29 as follows:

"26. (a) All Contracting Governments shall report to the Commission for all whale catchers operating in conjunction with factory ships and land stations, the following information:

(i) Methods used to kill each whale, other than a harpoon, and in particular compressed air.

(ii) Number of whales struck but lost.

(b) A record similar . . . shall be entered therein as soon as available, and forwarded by Contracting Governments to the Commission."

"27. (a) Notification shall be given . . . of data on the number of baleen whales by species taken in any waters . . ."

"29. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:

(b) If it appears ". . . permitted by paragraph 11 . . ."

(1) The name and gross tonnage of each factory ship.

(2) For each catcher ship attached to a factory ship or land station:

(i) the dates on which each is commissioned and ceases whaling for the season,

(ii) the number of days on which each is at sea on the whaling grounds each season,

(iii) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified.

(3) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.

(b) The information required under paragraph (a) (2) (iii) should also be recorded together with the following information, in the log book format in Appendix A, and forwarded to the Commission:

(1) Where possible the time spent each day on different components of the catching operation,

(2) Any modifications of the measures in paragraphs (a)(2)(i) - (iii) or (b)(1) or data from other suitable indicators of fishing effort for "small-type" whaling operations."

"30. (d) Contracting Governments shall . . . and report to the Commission on the results of such analyses."

C. Other Consequential Amendments

1. Amend [new] paragraph 9(b) to read:

". . . listed in Table 3."

2. Amend [new] paragraph 9(c) to reflect the changes in North Atlantic minke whale stock names:

for "East Greenland-Iceland-Jan Mayen" read Central

for "Svalbard-Norway-British Isles" read Northeastern

3. The recognition of the Eastern North Atlantic Stock of sei whales in Table 1 should be reflected by designation of its geographical boundaries in [new] paragraph 9 (c) sei whale stocks:

"Eastern

East of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,

and North of a line through:

74°N 3°E, 74°N 22°W."

4. Amend the last lines of [new] paragraph 10(a) third paragraph and 10(b) second paragraph to read:

" . . . listed in Tables 1, 2 and 3 of this Schedule."

5. Amend [new] paragraph 10(d) to read:

"Notwithstanding the other provisions of paragraph 10 . . ."

6. Amend [new] paragraph 12 to read:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1981 and in the North Atlantic Ocean in 1981 shall not exceed the limits shown in Tables 1 and 2."

7. Amend [new] paragraph 17 to read:

"The number of sperm whales taken in the North Pacific Ocean and dependent waters in 1981 and in the North Atlantic Ocean in 1981 shall not exceed the limits shown in Table 3."

8. Amend [new] paragraph 25(a)(iii) to read:

" . . . pursuant to sub-paragraph 21(b)."

9. An end [new] paragraph 25(b)(ii) to read:

" . . . pursuant to paragraph 24."

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 25 November 1980. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Comments by the Secretary

1. The geographical boundaries for the Bryde's whale stocks now recognised in the Southern Hemisphere and Northern Indian Ocean will require some clarification in the future:

   (a) The South Atlantic stock area is not defined.

   (b) The Australian coast(s) mentioned in the Indian Ocean and Western South Pacific Stock areas is/are not clearly identified.

2. The North Pacific minke whale stock areas are not defined at present.

3. Since the Commission at its 31st Annual Meeting adopted a moratorium on factory ship whaling except for minke whales [new] paragraph 9(d), reference to sperm whales in paragraph 2(b) and the whole of paragraph (c) appear to be redundant. Similarly, the provisions of paragraph 2(a) are also superfluous at the present time. The Commission may wish to delete all these together with the reference in paragraph 2(a)(ii). The consequential deletion of references in paragraph 2(b) and the fact that the existing reference to paragraph 2(e) [now renumbered 5] is proposed for identification under "small-type whaling" suggests that only paragraph 2(d) needs to be retained in the section on factory ship operations.

4. The Commission may wish to revise the style of [new] paragraph 7 to bring the designation of the latitudinal and longitudinal limits into conformity with the remainder of the Schedule.

5. [New] sub-paragraph 10(d) includes the words "excluding minke whales", whereas the term used in similar contexts (2(a), 4(b), 3) is "except". The Commission may wish to be consistent in its phraseology.

6. The Legal Working Group noted that the revision of [new] paragraph 20 does not deal with the policy question of whether or not, for example, a protected whale which is taken by accident should be treated and then reported as an infraction, rather than left unutilised and perhaps a hazard to navigation.

7. The Legal Working Group also recommended that the Commission review the description of whale processing contained in [new] paragraph 20(b) to reflect current practice and to encourage complete utilisation of the whales landed.

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS (excluding Bryde's whales)

SOUTHERN HEMISPHERE — 1980/81 pelagic season and 1981 coastal season

AREA	LONGITUDES	SEI		MINKE		FIN		BLUE	HUMPBACK	RIGHT BOWHEAD, PYGMY RIGHT	GRAY	
		Classification	Catch limit	Classification	Catch Limit	Classification	Catch limit	Classification	Classification	Classification	Classification	Catch limit
I	120°W – 60°W	PS	0	—	910	PS	0	PS	PS	PS	—	—
II	60°W – 0°	PS	0	—	1,176	PS	0	PS	PS	PS	—	—
III	0° – 70°E	PS	0	—	1,237	PS	0	PS	PS	PS	—	—
IV	70°E – 130°E	PS	0	—	2,386	PS	0	PS	PS	PS	—	—
V	130°E – 170°W	PS	0	—	1,250	PS	0	PS	PS	PS	—	—
VI	170°W – 120°W	PS	0	—	467	PS	0	PS	PS	PS	—	—
Total catch not to exceed:					7,072		0	0	0	0		
NORTHERN HEMISPHERE—1981 season												
ARCTIC		—	—	—	—	—	—	—	—	PS	—	—
NORTH PACIFIC												
Whole region		PS	0	—	—	PS	0	PS	PS	PS		—
Okhotsk Sea-West Pacific Stock		—	—	SMS	421[1]	—	—	—	—	—	—	—
Sea of Japan-Yellow Sea-East China Sea Stock		—	—	SMS[2]	940[3]	—	—	—	—	—	—	—
Remainder		—	—	IMS	0[4]	—	—	—	—	—	—	—
Eastern Stock		—	—	—	—	—	—	—	—	—	SMS	179[5]
Western Stock		—	—	—	—	—	—	—	—	—	PS	0
NORTH ATLANTIC												
Whole region		—	—	—	—	—	—	PS	PS	PS	—	—
West Greenland Stock		—	—	SMS	444[6]	SMS[7]	6	—	—	—	—	—
Newfoundland-Labrador Stock		—	—	—	—	IMS	90	—	—	—	—	—
Canadian East Coast Stock		—	0	—	0[2]	—	—	—	—	—	—	—
Nova Scotia Stock		PS	—	—	—	PS	0	—	—	—	—	—
Central Stock		—	—	SMS	320	—	—					
East Greenland-Iceland Stock		SMS	100[8]	—	—	SMS	304[9]	—	—	—	—	—
Iceland-Denmark Strait Stock		—	—	—	—	—	—	—	—	—	—	—
Spain-Portugal-British Isles Stock		—	—	—	—	SMS	240[10]	—	—	—	—	—
Northeastern Stock		—	—	SMS	1,790	—	—	—	—	—	—	—
West Norway-Faroe Islands Stock		—	—	—	—	PS	0	—	—	—	—	—
North Norway Stock		—	—	—	—	SMS	61	—	—	—	—	—
Eastern Stock		—	0	—	—	—	—	—	—	—	—	—
NORTHERN INDIAN OCEAN		—	—	—	—	—	—	PS	PS	PS	—	—

[1] The total catch of minke whales shall not exceed 1,678 in the five years 1980 to 1984 inclusive.
[2] Provisionally listed as SMS for 1981.
[3] The total catch of minke whales shall not exceed 3,634 in the five years 1980 to 1974 inclusive.
[4] Pending a satisfactory estimate of stock size.
[5] Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13b.
[6] The total catch of minke whales shall not exceed 1,778 in the five years 1981 to 1985 inclusive.
[7] Pending submission of data leading to an adequate assessment.
[8] The total catch of fin whales shall not exceed 1,524 in the six years 1977 to 1982 inclusive.
[9] The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.
[10] The total catch of fin whales shall not exceed 440 in the two years 1980 and 1981.

Appendix 1

TABLE 2. BRYDE'S WHALE STOCK CLASSIFICATION AND CATCH LIMITS

SOUTHERN HEMISPHERE AND NORTHERN INDIAN OCEAN
1980/81 Pelagic season and 1981 coastal season

	Classification	Catch Limit
South Atlantic Stock	IMS	0
Indian Ocean Stock	IMS	197
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	237
Peruvian Stock	SMS	264
Eastern South Pacific Stock	IMS	188
NORTH PACIFIC - 1981 season		
Eastern Stock	IMS	0[1]
Western Stock	SMS	510
East China Sea Stock		19
	SMS[2]	
NORTH ATLANTIC - 1981 season	IMS	0[1]

[1] Pending a satisfactory estimate of stock size.

[2] Provisionally listed as SMS for 1981.

Appendix 1

TABLE 3. TOOTHED WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

Southern Hemisphere 1980/81 pelagic season and 1981 coastal season

Divisions	Longitudes	SPERM Classification	SPERM Catch limit	BOTTLENOSE Classification
1	60°N – 30°W	–	–	–
2	30°N – 20°E	–	–	–
3	20°E – 60°E	–	–	–
4	60°E – 90°E	–	–	–
5	90°E – 130°E	–	–	–
6	130°E – 160°E	–	–	–
7	160°E – 170°W	–	–	–
8	170°W – 100°W	–	–	–
9	100°W – 60°W	–	300[1]	–

Northern Hemisphere - 1981 season

NORTH PACIFIC				
Western Division	males	–	890[2,3]	–
	females	–	0	–
Eastern Division	males	–	0	–
	females	–	0	–
NORTH ATLANTIC	males	–	130	) PS[4]
	females	–	–	)
NORTHERN INDIAN OCEAN		–	0	–

[1] The catch in 1982 shall be zero.

[2] Included within this figure there may be a by-catch of females not to exceed 11.5% and all whaling operations for this species are to cease when the by-catch is reached.

[3] It is forbidden to take or kill any sperm whale from this stock over 45 feet (13.7 metres) in length in the 1981 season.

[4] Provisionally listed as PS for 1981 pending the accumulation of sufficient information for classification.

DAILY RECORD SHEET — TABLE 1

Date ..... Catcher name ..... Sheet no. .....

Searching:	Time started (or resumed) searching					
	*Time whales seen or reported to catcher					
	Whale species					
	Number seen and no. of groups					
	Position found					
	Name of catcher that found whales					
Chasing:	Time started chasing (or confirmed whales)					
	Time whale shot or chasing discontinued					
	Asdic used (Yes/No)					
Handling:	Time whale flagged or alongside for towing					
	Serial No. of catch					
Towing:	Time started picking up					
	Time finished picking up or starting towing					
	Date and time delivered to factory					
Resting	Time stopped (for drifting or resting)					
	Time finished drifting/resting					
	Time ceased operations					

WEATHER CONDITIONS

	Time	Sea State	Wind force and direction	Visibility
Total searching time				
Total chasing time				
A) with asdic				
B) without asdic				
Total handling time				
Total towing time				
Total resting time				
Other time				
(e.g. bunkering, in port)				

Whales Seen (No. and No. of schools)

Blue	Bryde .....
Fin	Minke .....
Humpback	Sperm .....
Right	Others .....
Sei	(specify) .....

Signed .....

* Time whales reported to catcher means the time when the catcher is told of the position of a school and starts to move towards it to chase it.

Appendix 2

SCHOOLING REPORT — TABLE 2

To be completed by pelagic expedition or coastal station for each sperm whale school chased. A separate form to be used each day.

Name of expedition or coastal station .....

Date ..... Noon position of factory ship .....

Time School Fund .....

Total Number of Whales in School .....

Number of Takeable Whales in School .....

Number of Whales Caught from School by each Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Total Number caught from school .....

Remarks:

Explanatory Notes

A. Fill in one column for each school chased with number of whales caught by each catcher taking part in the chase; if catchers chase the school but do not catch any whales from it, enter 0; for catchers in fleet which do not chase that school enter X.

B. A school on this form means a group of whales which are sufficiently close together that a catcher having completed handling one whale can start chasing another whale almost immediately without spending time searching. A solitary whale should be entered as a school of 1 whale.

C. A takeable whale is a whale of a size or kind which the catchers would take if possible. It does not necessarily include all whales above legal size, e.g. if catchers are concentrating on large whales only these would be counted as takeable.

D. Information about catchers from other expeditions or companies operating on the same school should be recorded under Remarks.

24 November 1980

RG/EE/3682

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

Result of Postal Vote to Amend the Schedule

The Secretary has been instructed by the Chairman of the Commission to announce the result of the postal vote proposed by the Government of the United States of America to amend the Schedule Table of Toothed Whale Stock Classifications and Catch Limits for the 1980/81 pelagic season and 1981 coastal season so that Division 1 - 8 stocks of sperm whales in the Southern Hemisphere Shall be unclassified and that catch limits for each of these stocks of sperm whales shall be zero (see Circular Communication dated 10 October 1980, ref: RG/CAB/3616).

There were received 18 votes in favour of the proposal and 2 abstentions.

In voting for the proposal, the Commissioner for Brazil stated that:

"It is the understanding of the Brazilian Government that the USA amendment to the Schedule, which is justified by the inability of the Scientific Committee to recommend an appropriate quota for sperm whales, is solely applicable to the 1981 whaling season".

Japan asked that the reason for its abstention be recorded as follows:

"The Government of Japan cannot accept the idea of this proposal to set up a zero quota for sperm whales in Divisions 1 - 8 of the Southern Hemisphere without any appropriate discussion on a scientific basis in the IWC, even if the sperm whales concerned are not caught by any country".

An amendment to the Schedule requires a three-quarters majority for it to become effective, and Rule C.3 of the Commission' s Rules of Procedure states that:

"Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Commissioners".

The proposal therefore received a sufficient number of votes to achieve the required majority of the 24 members of the Commission.

This amendment becomes effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V paragraph 3 of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V paragraph 3 of the Convention will be followed.

The ninety days period will expire on 22 February 1981. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendment, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

23 February 1981

RG/EE/3790

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

The Secretary refers to his Circular Communications dated 24 November 1980 and 26 November 1980 (refs: RG/EE/3682 and 3693).

No objections have been lodged to the amendment to the Schedule concerning the Table of Toothed Whale Stock Classifications and Catch Limits for the 1980/81 pelagic season and 1981 coastal season for the sperm whale stocks in Divisions 1 - 8 of the Southern Hemisphere as adopted by postal vote (Unclassified with zero catch limits). This amendment therefore becomes binding on all Contracting Governments from 23 February 1981.

No further objections have been received following the notice from the Government of the Republic of Korea of an objection to the new paragraph to precede the previous paragraph 5:

> "The killing for commercial purposes of whales, except minke whales, using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons".

This paragraph therefore becomes binding on all Contracting Governments other than the Republic of Korea from 23 February 1981.

A revised edition of the Schedule to the Convention will now be printed to replace the issue dated February 1980 and will be distributed as soon as it is available.

The Secretary requests an acknowledgement of this Communication, a copy of which is also being sent to all Commissioners.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Brighton, 1981

Done at Brighton 25 July 1981

Entered into force 10 November 1981 except for those Amendments which entered into force 8 February 1982 and 8 March 1982, respectively

Primary source citation: International Whaling Commission Circular Communication RG/EE/4008, 11 August 1981

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11 August 1981

Our Ref. RG/EE/4008

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 33rd Annual Meeting held in Brighton, 20-25 July 1981, the International Whaling Commission agreed to the following amendments to the Schedule:

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Paragraph 6. Add new wording as follows:

"The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons."

2. Paragraph 9 (d). Revise as follows:

Geographical boundaries in the North Pacific for Bryde's whale stocks:

"East China Sea Stock
West of the Ryuku Island chain

Western Stock
West of the 160°W meridian of longitude (excluding the East China Sea stock area)

Eastern Stock
East of the 160°W meridian of longitude (excluding the Peruvian stock area)"

3. Paragraph 9 (e). Revise as follows:

"Geographical boundaries for Bryde's whales stocks in the Southern Hemisphere

Southern Indian Ocean
20°E to 130°E south of the Equator

Solomon Islands
150°E to 170°E
20°S to the Equator

Western South Pacific
130°E to 150°W South of the Equator
(excluding the Solomon Islands stock area)

Peruvian
[unchanged]

Eastern South Pacific
150°W to 70°W south of the Equator
(excluding the Peruvian stock area)

South Atlantic
20°W to 70°E south of the Equator

South African Inshore
30nm seawards of the south east coast of South Africa from 25°S latitude down and around the coast to 25°E longitude."

4. Paragraph 11. Revise as follows:

"The number of baleen whales taken in the Southern Hemisphere in the 1981/82 pelagic season and the 1982 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the Area catches exceed the total catch limit for each species."

5. Paragraph 12. Revise as follows:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1982 and in the North Atlantic Ocean in 1982 shall not exceed the limits shown in Tables 1 and 2."

6. Tables 1 and 2. Amend as shown in Appendix 1.

7. New Paragraph 16, to replace existing Paragraphs 16 and 17.

"Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission."

8. Table 3. Amend as shown in Appendix 1.

B. CONSEQUENTIAL AMENDMENTS

1. Paragraph 9 (a). Amend to read:

"Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Tables 1 and 2.

2. Renumber all paragraphs from 18 onwards, and make consequential changes to paragraph numbers referred to in

Paragraph 19 (a) – delete reference to paragraph 17.
sub-Paragraph 24 (a) – sub-paragraph 21 (b) to read 20 (b)
sub-Paragraph 24 (b) – paragraph 24 to read 23

C. OTHER AMENDMENTS

Paragraphs 7 and 8.

All latitudes and longitudes to read in the style 100°E, 55°S etc.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 9 November 1981. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Brighton, 1982

Done at Brighton 24 July 1982

Entered into force 5 November 1982 except for those Amendments which entered into force 3 February 1983

Primary source citation: International Whaling Commission Circular Communication RG/EE/4529, 6 August 1982

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6 August 1982

Our Ref. RG/VC/EE/4529

CIRCULAR COMMUNICATIONS TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 34th Annual Meeting held in Brighton, 19-24 July 1982, the International Whaling Commission agreed to the following amendments to the Schedule:

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Amend paragraph 9(d) to read:

"(d) Geographical boundaries in the North Pacific. The geographical boundaries for sperm, Bryde's and minke whale stocks in the North Pacific are:

Sperm whale stocks [unchanged]
Bryde's whale stocks [unchanged]

Minke whale stocks

Sea of Japan - Yellow Sea - East China Sea
West of a line through the Philippine Islands, Taiwan, Ryukyu Islands, Kyushu, Honshu, Hokkaido and Sakhalin Island, north of the Equator.

Okhotsk Sea - West Pacific
East of the Sea of Japan - Yellow Sea - East China Sea stock and west of 180°, north of the Equator.

Remainder
East of the Okhotsk Sea - West Pacific stock, north of the Equator."

2. Add new sub-paragraph 10(e):

"Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero until the Commission decides otherwise. This provision will be kept under review, based on the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits."

3. Revise paragraph 11 as follows:

"The number of baleen whales taken in the Southern Hemisphere in the 1982/83 pelagic season and the 1983 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the Area catches exceed the total catch limit for each species."

4. Revise paragraph 12 as follows:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1983 and in the North Atlantic Ocean in 1983 shall not exceed the limits shown in Tables 1 and 2."

5. Amend Tables 1 and 2 as shown in Appendix 1.

6. Amend paragraph 13 as follows:

1. A new paragraph (a) is added:

"(a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:

(1) For stocks at or above the MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 percent of MSY.

(2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.*

(3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification."

Footnote to paragraph 13(a)(2):

*The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level for each stock below which whales shall not be taken, and (b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

2. Existing paragraph (a) is redesignated as paragraph (b) and the words "catch limits for aboriginal subsistence whaling are as follows:" are substituted for the words "notwithstanding the provisions of paragraph 10". Existing paragraph (b) is redesignated as sub-paragraph (3) of new (b).

3. Add a new sub-paragraph (4) to new paragraph (b):

(4) The taking by aborigines of minke whales from the West Greenland stock and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption. The number of whales taken in accordance with this sub-paragraph shall not exceed the limits shown in Table 1.

4. Add a new footnote 7 to Table 1 to read as follows:

"Of the total numbers shown, a proportion corresponding to needs may be taken by aborigines pursuant to paragraph 13 (b) (4)."

Existing footnote 8 is redesignated as footnote 9.

The entry in Table 1 for the West Greenland stock of fin whales is footnoted with an additional provision as follows:

"Available to be taken by aborigines pursuant to paragraph 13 (b) (4)."

7. Amend Table 3 as shown in Appendix 1.

B. EDITORIAL AMENDMENT

Correct numbering of final sub-section of paragraph 28(a) (2) to read "(iii)".

C. NOTE BY THE SECRETARY

The additional footnotes agreed in section A.6.4 above have been inserted in Table 1 as shown in Appendix 1.

Footnote 7 was not specifically allocated to any stock. Since the second footnote (inserted as 8) is associated with the West Greenland stock of fin whales, the Secretary has assumed that footnote 7 should be read in conjunction with the other stock identified in new paragraph 13(b) (4), that is the West Greenland stock of minke whales.

In Tables 1 and 3 unclassified stocks and those for which no catch limit has been set are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 4 November 1982. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Brighton, 1983

Done at Brighton 23 July 1983

Entered into force 3 November 1983

Primary source citation: International Whaling Commission Circular Communication RG/EE/4989, 5 August 1983

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5 August 1983

Our Ref. RG/EE/4989

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946

Amendments to the Schedule

At its 35th Annual Meeting held in Brighton, 18 - 23 July 1953, the International Whaling Commission agreed to the following amendments to the Schedule:

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Revise paragraph 11 as follows:

"The number of baleen whales taken in the Southern Hemisphere in the 1983/84 pelagic season and the 1984 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the Area catches exceed the total catch limit for each species."

2. Revise paragraph 12 as follows:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1984 and in the North Atlantic Ocean in 1984 shall not exceed the limits shown in Tables 1 and 2."

3. Amend Tables 1 and 2 as shown in Appendix 1.

4. Amend paragraph 13(b) to read:

(b) Catch limits for aboriginal subsistence whaling are as follows:

(1) the taking of 9 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) the taking of bowhead whales from the Bering Sea stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:

(i) for the years 1984 and 1985 the total number of whales struck shall not exceed 43[2], provided that in either year the number of whales struck shall not exceed 27.

(ii) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

(3) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines. The number of gray whales taken in accordance with this sub-paragraph in 1984 shall not exceed the limit shown in Table 1.

[2] At the end of the first year this figure will be reviewed and if necessary amended on the basis of the advice of the Scientific Committee.

5. Amend Table 3 as shown in Appendix 1.

B. EDITORIAL AMENDMENT

Move the heading "Area Limits for Factory Ships" from its present position before paragraph 7 to precede paragraph 8.

C. NOTE BY THE SECRETARY

1. In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

2. The Commission specifically agreed that footnote 2 in Table 3, referring to the 1982 and 1883 catch limits for the sperm whales of the North Pacific Western Division, should be retained in the 1984 Schedule.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 3 November 1983. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Buenos Aires, 1984

Done at Buenos Aires 22 June 1984

Entered into force 8 October 1984 except for a provision in Table I which entered into force 14 January 1985

Primary source citations: International Whaling Commission Circular Communications RG/EE/15327, 10 July 1984 and RG/VC/20069, 30 July 1984

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10 July 1984

Our Ref. RG/EE/15327

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Revise paragraph 9(e) as follows:

South African Inshore
South African Coast west of 27°E and out to the 200 metre isobath

2. Revise paragraph 11 as follows:

"The number of baleen whales taken in the Southern Hemisphere in the 1984/85 pelagic season and the 1985 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the Area catches exceed the total catch limit for each species."

3. Revise paragraph 12 as follows:

"The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1985 and in the North Atlantic Ocean in 1985 shall not exceed the limits shown in Tables 1 and 2."

4. Amend Tables 1 and 2 as shown in the Appendix.

5. Amend paragraph 13(b) to read:

(b) Catch limits for aboriginal subsistence whaling are as follows:

(1) the taking of 8 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose. If the catch limit is exceeded in 1985 or 1986 so that more than 8 humpbacks are taken in either year, the excess shall be deducted from the catch limit in the following year.

(2) [unchanged]

(3) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines. The number of gray whales taken in accordance with this subparagraph in 1985 shall not exceed the limit shown in Table 1.

(4) [unchanged]

6. Amend Table 3 as shown in Appendix 1.

B. EDITORIAL AMENDMENTS

1. Paragraph 9(c) - revise stock title to read [for consistency]:
"Spain-Portugal-British Isles"

2. Paragraph 30 - revise to read [for clarity]:
". . . shall provide the Secretary to the International Whaling Commission with . . ."

C. NOTES BY THE SECRETARY

1. In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

2. The Commission agreed this year that there should be no change in the 1985 catch limit set at the 34th (1983) Annual Meeting for the Peruvian stock of Bryde's whales in the Southern Hemisphere. The 1984 catch limit has therefore been deleted from Table 2.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 8 October 1984. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Appendix

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS (excluding Bryde's whales)

	SEI		MINKE		FIN		BLUE	HUMPBACK	RIGHT, BOWHEAD, PYGMY RIGHT	GRAY	
	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Classification	Classification	Classification	Catch limit
SOUTHERN HEMISPHERE - 1984/85 pelagic season and 1985 coastal season											
AREA LONGITUDES											
I 120°W - 60°W	PS	0	-	563	PS	0	PS	PS	PS	•	•
II 60°W - 0°W	PS	0	-	376	PS	0	PS	PS	PS	•	•
III 0°W - 70°E	PS	0	-	844	PS	0	PS	PS	PS	•	•
IV 70°E - 130°E	PS	0	-	974	PS	0	PS	PS	PS	•	•
V 130°E - 170°W	PS	0	-	1,013	PS	0	PS	PS	PS	•	•
VI 170°W - 120°W	PS	0	-	877	PS	0	PS	PS	PS	•	•
Total catch not to exceed:				4,224		0	0	0	0		
NORTHERN HEMISPHERE - 1985 season											
ARCTIC	•	•	•	•	•	•	•	•	PS	•	•
NORTH PACIFIC											
Whole region	PS	0	•	•	PS	0	PS	PS	PS	•	•
Okhotsk Sea-West Pacific Stock	•	•	SMS	320	•	•	•	•	•	•	•
Sea of Japan-Yellow Sea-East China Sea Stock	•	•	-	0[1]	•	•	•	•	•	•	•
Remainder	•	•	IMS	0[2]	•	•	•	•	•	•	•
Eastern Stock	•	•	•	•	•	•	•	•	•	SMS	179[3]
Western Stock	•	•	•	•	•	•	•	•	•	PS	0
NORTH ATLANTIC											
Whole region	•	•	•	•	•	•	PS	PS	PS	•	•
West Greenland Stock	•	•	-	300[4,5]	-	8[6,7]	•	•	•	•	•
Newfoundland-Labrador Stock	•	•	•	•	-	0	•	•	•	•	•
Canadian East Coast Stock	•	•	-	0[2]	•	•	•	•	•	•	•
Nova Scotia Stock	PS	0	•	•	PS	0	•	•	•	•	•
Central Stock	•	•	-	242	•	•	•	•	•	•	•
East Greenland-Iceland Stock	•	•	•	•	SMS	161	•	•	•	•	•
Iceland-Denmark Strait Stock	-	100[8]	•	•	•	•	•	•	•	•	•
Spain-Portugal-British Isles Stock	•	•	•	•	-	120[9]	•	•	•	•	•
Northeastern Stock	•	•	-	635	•	•	•	•	•	•	•
West Norway-Faroe Islands Stock	•	•	•	•	PS	0	•	•	•	•	•
North Norway Stock	•	•	•	•	-	0	•	•	•	•	•
Eastern Stock	-	0	•	•	•	•	•	•	•	•	•
NORTHERN INDIAN OCEAN	•	•	IMS	0[2]	•	•	PS	PS	PS	•	•

1 Provided that the remainder from the previous block quota of 3,634 for the five years 1980 to 1984 inclusive may be taken in the years 1984 and 1985.
2 Pending a satisfactory estimate of stock size.
3 Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)(3)
4 The total catch of minke whales shall not exceed 588 in the two years 1984 and 1985 inclusive
5 Of the total numbers shown a proportion corresponding to needs may be taken by aborigines pursuant to paragraph 11(b)(4)
6 The total catch of fin whales shall not exceed 16 in the two years 1985 and 1986 inclusive
7 Available to be taken by aborigines pursuant to paragraph 13(b)(4).
8 The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.
9 The total catch of fin whales shall not exceed 270 in the three years 1983 to 1985 inclusive

Appendix

TABLE 2. BRYDE'S WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

	Classification	Catch limit
SOUTHERN HEMISPHERE - 1984/85 pelagic season and 1985 coastal season		
South Atlantic Stock	–	0
Southern Indian Ocean Stock	IMS	0[1]
South African Inshore Stock	–	0
Solomon Islands Stock	IMS	0[1]
Western South Pacific Stock	IMS	0[1]
Eastern South Pacific Stock	IMS	0[1]
Peruvian Stock	–	–[2,3]
NORTH PACIFIC - 1985 season		
Eastern Stock	IMS	0[1]
Western Stock	IMS	357
East China Sea Stock	–	0
NORTH ATLANTIC - 1985 season	IMS	0[1]
NORTHERN INDIAN OCEAN - 1985 season	–	0

1 Pending a satisfactory estimate of stock size.
2 Available to be taken in a six month period starting in October or November 1984.
3 The catch limit for this stock for the 1985 season will be lower than 165 and thereafter shall be zero until the Commission decides otherwise.

Appendix

TABLE 3. TOOTHED WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

		SPERM		BOTTLENOSE
		Classification	Catch limit	Classification
SOUTHERN HEMISPHERE - 1984/85 pelagic season and 1985 coastal season				
Division	Longitudes			
1	60°W – 30°W	–	0	•
2	30°W – 20°E	–	0	•
3	20°E – 60°E	–	0	•
4	60°E – 90°E	–	0	•
5	90°E – 130°E	–	0	•
6	130°E – 160°E	–	0	•
7	160°E – 170°W	–	0	•
8	170°W – 100°W	–	0	•
9	100°W – 60°W	–	0	•
NORTHERN HEMISPHERE - 1985 season				
NORTH PACIFIC				
Western Division		–	–[1]	•
Eastern Division		–	0	•
NORTH ATLANTIC		–	0	PS[2]
NORTHERN INDIAN OCEAN		–	0	•

1 No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission. *
2 Provisionally listed as PS for 1985 pending the accumulation of sufficient information for classification.

* The Government of Japan lodged an objection to footnote 1 of Table 3 within the prescribed period. This footnote came into force on 8 February 1982 but is not binding on Japan.

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30 July 1984

Our Ref. RG/VC/20069

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendment to the Schedule (Addition)

The Secretary refers to his Circular Communication dated 10 July 1984 (ref: RG/EE/15327) notifying the amendments adopted at the 36th Annual Meeting of the International Whaling Commission, held in Buenos Aires, 18-22 June 1984.

Unfortunately, by an oversight, the following amendment was omitted from that notification:

> Amend paragraph 26 (a) and 26 (b) by replacing the words "Bureau of International Whaling Statistics" by "Secretary to the International Whaling Commission".

This change is consequential upon the decision of the Commission taken at the 35th (1983) Annual Meeting, and was recommended by the Technical Committee and adopted by the Commission this year without discussion. To avoid the problems and possible confusion of differing dates of implementation, the Secretary suggests that this formal change should be considered with the other amendments notified on 10 July 1984. These become effective 90 days following that date, unless any Contracting Government lodges an objection under Article V of the Convention, in which case the procedure under Article V paragraph 3 will be followed.

The ninety days period will expire on 8 October 1984, and in the absence of objections by that date the amendments will become effective, and Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of notification of amendments, a copy of which is being sent to each Commissioner. Any comments on the procedure proposed for dealing with this delayed notification will also be welcome.

The Secretary apologises for the omission of this amendment from the original Circular.

DR R. GAMBELL
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Bournemouth, 1985

Done at Bournemouth 19 July 1985

Entered into force 29 January 1986

Primary source citations: International Whaling Commission Circular Communications RG/EE/15720, 2 August 1985, RG/EE/15775, 26 September 1985, MH/EE/15800, 29 October 1985, and RG/EE/15903, 30 January 1986

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2 August 1985

Our Ref. RG/EE/15720

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 37th Annual Meeting, held in Bournemouth, UK, 15-19 July 1985, the International Whaling Commission adopted the following amendments to the Schedule:

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Amend Tables l, 2 and 3 as shown in the Appendix, to reflect the specific changes made in the classification of the stocks indicated. (referred to in paragraphs 10(a), (b) and (c).

2. Amend paragraph 13(b) as follows:

   1. Delete sub-paragraph 13(b)(1), and re-number the succeeding subparagraphs.

   2. Amend sub-paragraph 13(b)(2)(i) [old numbering] to read:

      For each of the years 1985, 1986 and 1987, 262 whales may be struck. However, strikes not used in one year may be transferred to the subsequent year, provided that no more than 32 whales may be struck in any one year.

      Footnote 2: Each year this figure will be reviewed and if necessary amended on the basis of the advice of the Scientific Committee.

   3. Amend Table 1 as shown in the Appendix to reflect the aboriginal catch limits referred to in sub-paragraph 13(b)(4) [old numbering] for the West Greenland Stocks of minke and fin whales.

B. EDITORIAL AMENDMENTS

As a result of the coming into effect of paragraph 10(e):

1. Revise paragraph 11 as follows:

   "The number of baleen whales taken in the Southern Hemisphere in the 1985/86 pelagic season and the 1986 coastal season shall not exceed the limits shown in Tables 1 and 2."

2. Revise paragraph 12 as follows:

   "The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1986 and in the North Atlantic Ocean in 1986 shall not exceed the limits shown in Tables 1 and 2."

3. Amend Tables 1 and 2 by the insertion of zero catch limits as shown in the Appendix.

   [Note: In Table 3 the catch limit for the sperm whales in the Western Division of the North Pacific has not been changed to zero, because of the continuing operation of footnote 1, to which an objection has been lodged.]

4. Delete footnote 2 of Table 1 and footnote 1 of Table 2.

5. Delete all other footnotes to Tables 1, 2 and 3 which expire in 1985 or are now superseded.

C. NOTE BY THE SECRETARY

   1. In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 31 October 1985. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Appendix

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS (excluding Bryde's whales)

	SEI		MINKE		FIN		BLUE		HUMPBACK		RIGHT BOWHEAD, PYGMY RIGHT		GRAY	
	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit
SOUTHERN HEMISPHERE - 1985/86 pelagic season and 1986 coastal season														
AREA LONGITUDES														
I 120°W - 60°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
II 60°W - 0°	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
III 0°W - 70°E	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
IV 70°E - 130°E	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
V 130°E - 170°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
VI 170°W - 120°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
Total catch not to exceed:				0		0		0		0		0		
NORTHERN HEMISPHERE - 1986 season														
ARCTIC	•	•	•	•	•	•	•	•	•	•	PS	0	•	•
NORTH PACIFIC														
Whole region	PS	0	•	•	PS	0	PS	0	PS	0	PS	0	•	•
Okhotsk Sea-West Pacific Stock	•	•	SMS[1]	0	•	•	•	•	•	•	•	•	•	•
Sea of Japan-Yellow Sea-East China Sea Stock	•	•	PS	0	•	•	•	•	•	•	•	•	•	•
Remainder	•	•	IMS	0	•	•	•	•	•	•	•	•	•	•
Eastern Stock	•	•	•	•	•	•	•	•	•	•	•	•	SMS	179[2]
Western Stock	•	•	•	•	•	•	•	•	•	•	•	•	PS	0
NORTH ATLANTIC														
Whole region	•	•	•	•	•	•	PS	0	PS	0	PS	0	•	•
West Greenland Stock	•	•	PS	130[3,4]	-	10[4]	•		•	•	•	•	•	•
Newfoundland-Labrador Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Canadian East Coast Stock	•	•	-	0	•	•	•	•	•	•	•	•	•	•
Nova Scotia Stock	PS	0	•	•	PS	0	•	•	•	•	•	•	•	•
Central Stock	•	•	-	0	•	•	•	•	•	•	•	•	•	•
East Greenland-Iceland Stock	•	•	•	•	SMS	0	•	•	•	•	•	•	•	•
Iceland-Denmark Strait Stock	-	0	•	•	•	•	•	•	•	•	•	•	•	•
Spain-Portugal-British Isles Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Northeastern Stock	•	•	PS	0	•	•	•	•	•	•	•	•	•	•
West Norway-Faroe Islands Stock	•	•	•	•	PS	0	•	•	•	•	•	•	•	•
North Norway Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Eastern Stock	-	0	•	•	•	•	•	•	•	•	•	•	•	•
NORTHERN INDIAN OCEAN	•	•	IMS	0	•	•	PS	0	PS	0	PS	0	•	•

1 Provisional
2 Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)(2).
3 The total catch of minke whales shall not exceed 220 in the two years 1986 and 1987 inclusive.
4 Available to be taken by aborigines pursuant to paragraph 13(b)(3).

A. SUBSTANTIVE AMENDMENTS (changes and new wording underlined)

1. Amend Tables l, 2 and 3 as shown in the Appendix, to reflect the specific changes made in the classification of the stocks indicated. (referred to in paragraphs 10(a), (b) and (c).

2. Amend paragraph 13(b) as follows:

   1. Delete sub-paragraph 13(b)(1), and re-number the succeeding subparagraphs.

   2. Amend sub-paragraph 13(b)(2)(i) [old numbering] to read:

      For each of the years 1985, 1986 and 1987, 262 whales may be struck. However, strikes not used in one year may be transferred to the subsequent year, provided that no more than 32 whales may be struck in any one year.

      Footnote 2: Each year this figure will be reviewed and if necessary amended on the basis of the advice of the Scientific Committee.

   3. Amend Table 1 as shown in the Appendix to reflect the aboriginal catch limits referred to in sub-paragraph 13(b)(4) [old numbering] for the West Greenland Stocks of minke and fin whales.

B. EDITORIAL AMENDMENTS

As a result of the coming into effect of paragraph 10(e):

1. Revise paragraph 11 as follows:

   "The number of baleen whales taken in the Southern Hemisphere in the 1985/86 pelagic season and the 1986 coastal season shall not exceed the limits shown in Tables 1 and 2."

2. Revise paragraph 12 as follows:

   "The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1986 and in the North Atlantic Ocean in 1986 shall not exceed the limits shown in Tables 1 and 2."

3. Amend Tables 1 and 2 by the insertion of zero catch limits as shown in the Appendix.

   [Note: In Table 3 the catch limit for the sperm whales in the Western Division of the North Pacific has not been changed to zero, because of the continuing operation of footnote 1, to which an objection has been lodged.]

4. Delete footnote 2 of Table 1 and footnote 1 of Table 2.

5. Delete all other footnotes to Tables 1, 2 and 3 which expire in 1985 or are now superseded.

C. NOTE BY THE SECRETARY

   1. In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 31 October 1985. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr. R. Gambell
Secretary to the Commission

Appendix

TABLE 1. BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS (excluding Bryde's whales)

	SEI		MINKE		FIN		BLUE		HUMPBACK		RIGHT BOWHEAD, PYGMY RIGHT		GRAY	
	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit
SOUTHERN HEMISPHERE - 1985/86 pelagic season and 1986 coastal season														
AREA LONGITUDES														
I 120°W - 60°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
II 60°W - 0°	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
III 0°W - 70°E	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
IV 70°E - 130°E	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
V 130°E - 170°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
VI 170°W - 120°W	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	•	•
Total catch not to exceed:				0		0		0		0		0		
NORTHERN HEMISPHERE - 1986 season														
ARCTIC	•	•	•	•	•	•	•	•	•	•	PS	0	•	•
NORTH PACIFIC														
Whole region	PS	0	•	•	PS	0	PS	0	PS	0	PS	0	•	•
Okhotsk Sea-West Pacific Stock	•	•	SMS[1]	0	•	•	•	•	•	•	•	•	•	•
Sea of Japan-Yellow Sea-East China Sea Stock	•	•	PS	0	•	•	•	•	•	•	•	•	•	•
Remainder	•	•	IMS	0	•	•	•	•	•	•	•	•	•	•
Eastern Stock	•	•	•	•	•	•	•	•	•	•	•	•	SMS	179[2]
Western Stock	•	•	•	•	•	•	•	•	•	•	•	•	PS	0
NORTH ATLANTIC														
Whole region	•	•	•	•	•	•	PS	0	PS	0	PS	0	•	•
West Greenland Stock	•	•	PS	130[3,4]	-	10[4]	•		•	•	•	•	•	•
Newfoundland-Labrador Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Canadian East Coast Stock	•	•	-	0	•	•	•	•	•	•	•	•	•	•
Nova Scotia Stock	PS	0	•	•	PS	0	•	•	•	•	•	•	•	•
Central Stock	•	•	-	0	•	•	•	•	•	•	•	•	•	•
East Greenland-Iceland Stock	•	•	•	•	SMS	0	•	•	•	•	•	•	•	•
Iceland-Denmark Strait Stock	-	0	•	•	•	•	•	•	•	•	•	•	•	•
Spain-Portugal-British Isles Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Northeastern Stock	•	•	PS	0	•	•	•	•	•	•	•	•	•	•
West Norway-Faroe Islands Stock	•	•	•	•	PS	0	•	•	•	•	•	•	•	•
North Norway Stock	•	•	•	•	-	0	•	•	•	•	•	•	•	•
Eastern Stock	-	0	•	•	•	•	•	•	•	•	•	•	•	•
NORTHERN INDIAN OCEAN	•	•	IMS	0	•	•	PS	0	PS	0	PS	0	•	•

1 Provisional
2 Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)(2).
3 The total catch of minke whales shall not exceed 220 in the two years 1986 and 1987 inclusive.
4 Available to be taken by aborigines pursuant to paragraph 13(b)(3).

Appendix

TABLE 2. BRYDE'S WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

	Classification	Catch limit
SOUTHERN HEMISPHERE - 1985/86 pelagic season and 1986 coastal season		
South Atlantic Stock	–	0
Southern Indian Ocean Stock	IMS	0
South African Inshore Stock	–	0
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	0
Eastern South Pacific Stock	IMS	0
Peruvian Stock	–	0
NORTH PACIFIC - 1986 season		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC - 1986 season	IMS	0
NORTHERN INDIAN OCEAN - 1986 season	–	0

Appendix

TABLE 3. TOOTHED WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

		SPERM		BOTTLENOSE	
		Classification	Catch limit	Classification	Catch limit
SOUTHERN HEMISPHERE - 1985/86 pelagic season and 1986 coastal season					
Division	Longitudes				
1	60°W – 30°W	–	0	•	•
2	30°W – 20°E	–	0	•	•
3	20°E – 60°E	–	0	•	•
4	60°E – 90°E	–	0	•	•
5	90°E – 130°E	–	0	•	•
6	130°E – 160°E	–	0	•	•
7	160°E – 170°W	–	0	•	•
8	170°W – 100°W	–	0	•	•
9	100°W – 60°W	–	0	•	•
NORTHERN HEMISPHERE - 1986 season					
NORTH PACIFIC					
Western Division		–[2]	–[1]	•	•
Eastern Division		–	0	•	•
NORTH ATLANTIC		–	0	PS	0
NORTHERN INDIAN OCEAN		–	0	•	•

1 No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission. *
2 This stock shall be classified as a Protection Stock starting with the 1988 season. Subject to its assessment on the advice of the Scientific Committee, the Commission may decide to bring the classification into effect earlier.

* The Government of Japan lodged an objection to footnote 1 of Table 3 within the prescribed period. This footnote came into force on 8 February 1982 but is not binding on Japan.

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26 September 1985

Our Ref. RG/EE/15775

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

Comments on and corrections to Amendments to the Schedule

The Secretary refers to the Circular Communication dated 2 August 1985 (ref: RG/EE/15720) setting out the amendments to the Schedule adopted at the 37th Annual Meeting of the Commission.

A number of points have arisen as a result of comments from and discussions with various Governments, which are set out below for the information of all members.

Corrections

1. The classification for the West Norway-Faroe Islands Stock of fin whales in Table 1 as PS should not be underlined. This was not a change.

2. The last sentence of the footnote to Table 3 in the Schedule dated January 1985 indicating that Japan has withdrawn its objection to footnote 1 of that Table with effect from 1 April 1988 was inadvertently omitted. This should continue in place.

Comments

3. The Government of Japan has requested that the following footnote should be added to Tables 1 and 2:

> "The catch limits of zero introduced in Tables 1 end 2 as editorial amendments as a result of the coming into effect of paragraph 10(e), are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph."

The Government of Japan considers that, although the above-mentioned editorial amendment is evident, it should, nevertheless, be included in order to prevent any misinterpretation.

4. The USSR requested clarification of the basis for not including a zero catch limit for sperm whales in Table 3 for the Western Division of the North Pacific. They stated that:

> "Footnote 1 to that table provides that no whales may be taken from that stock until catch limits including limitations on size and sex are established by the Commission. Such catch limits actually were set up in 1982 by inclusion of para. 10(e) into the Schedule. With zero limits there is no need in any other limitations. Thus para. 10(e) substitutes for the above footnote as from 1985/86 pelagic and 1986 coastal seasons."

The Secretary pointed out the omission identified in point 2 above, and explained that it was in order to continue to include this notice of withdrawal that footnote 1 was retained. However, this is not appropriate if a zero catch figure is entered.

The USSR has responded in the following terms:

> "1. It should be reflected in the Schedule, that zero catch limits for 1985/1986 pelagic and 1986 coastal seasons, included in corresponding tables in accordance with para. 10(e), are not binding on USSR, Japan and Norway due to their objections to the above paragraph.
>
> 2. Zero catch limit for the western division of sperm whales stock in North Pacific should be included in Table 3 and footnote 1 and corresponding reference to it on bottom of the page deleted due to coming into effect of para. 10(e), with substitutes for footnote 1."

The Secretary suggests that one solution to the problem would be to delete footnote 1 and add a revised footnote denoted by an asterisk to a zero entry in the following terms:

> *In 1981 the Commission set no catch limit for this stock and added a footnote stating no whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.
>
> The Government of Japan lodged an objection to this footnote within the prescribed period. This footnote came into force on 8 February 1982 but is not binding on Japan. The Government of Japan withdrew its objection on 11 December 1984 with effect from 1 April 1988.

The footnote requested by the Government of Japan in para. 3 above should then be added in addition to Table 3, and the new footnote 2 renumbered 1.

5. The Secretary would be pleased to receive any comments from Governments on these points.

Dr. R. Gambell
Secretary to the Commission

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29 October 1985

Our Ref. MH/EE/15800

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

Norwegian Objection to an
Amendment to the Schedule of the
International Convention for the Regulation of Whaling, 1946

The Secretary refers to his Circular Communications dated 2 August and 26 September 1985 (refs: RG/EE/15720 and RG/EE/15775) notifying the amendments to the Schedule of the International Convention for the Regulation of Whaling, 1946, adopted at the 37th Annual Meeting of the International Whaling Commission held in Bournemouth, UK, 15–19 July 1985.

In accordance with Article V(3) of the Convention, the Government of Norway has lodged an objection to the classification of the Northeastern Atlantic stock of minke whales as a Protected Stock.

A copy of the full text containing the reasons given by the Government of Norway for lodging its objection is attached to this Circular.

According to the procedure laid down in Article V paragraph 3 of the Convention, this amendment (i.e. the classification of the Northeastern Atlantic stock of minke whales as a Protection Stock) shall not become effective with respect to any Contracting Government for an additional 90 days.

Any other Contracting Government may present objection to this amendment at any time prior to the expiration of the additional 90-day period, that is until 29 January 1986, or before the expiration of 30 days from the date of receipt by the Commission of the last objection received during the additional 90-day period whichever date shall be the later.

Thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Contracting Government which has so objected until such date as the objection is withdrawn.

The Commission will notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government should acknowledge receipt of all notifications of amendments, objections and withdrawals.

The Secretary requests an acknowledgement of this Communication, a copy of which is also being sent to all Commissioners.

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30 January 1986

Our Ref. RG/EE/15903

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

Amendments to the Schedule of the International Convention for the Regulation of Whaling, 1946 Adopted at the 37th Annual Meeting

The Secretary refers to his Circular Communications dated 2 August and 26 September 1985 (ref: RG/EE/15720 and RG/EE/15775) notifying the amendments to the Schedule of the International Convention for the Regulation of Whaling, 1946, adopted at the 37th Annual Meeting of the International Whaling Commission held in Bournemouth, UK, 15–19 July 1985; and to the notification of an objection to the classification as a Protection Stock of the Northeastern stock of minke whales in the North Atlantic, presented by the Government of Norway and contained in the Circular Communication dated 29 October 1985 (ref: MH/EE/15800).

No further objections have been presented with respect to the classification of this stock within the second 90-day period specified under Article V paragraph 3 of the Convention.

This amendment therefore becomes effective with respect to all Contracting Governments which have not presented an objection from 29 January 1986, but is not effective with respect to the Government of Norway until such date as its objection is withdrawn.

The Convention requires (in Article V) that Contracting Governments shall acknowledge receipt of this notification of amendment of the Schedule, a copy of which is being sent to all Commissioners.

A revised edition of the Schedule incorporating the amendments adopted at the 37th Annual Meeting will be printed and distributed shortly.

Dr. R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Malmo, 1986

Done at Malmo 13 June 1986

Entered into force 30 September 1986

Primary source citations: International Whaling Commission Circular Communications RG/VJH/16130, 2 July 1986 and RG/VJH/16140, 9 July 1986

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2 July 1986

Our Ref. RG/VJH/16130

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 38th Annual Meeting held in Malmo, Sweden, 9–13 June 1986, the International Whaling Commission adopted the following amendments to the Schedule (changes underlined):

1. Amend Table 1 to reflect the specific change made in the classification of the Okhotsk Sea-West Pacific Stock of minke whales in the North Pacific to a Protection Stock (PS).

2. Revise paragraphs 11 and 12, and Tables 1, 2 and 3, by substitution of the dates 1986/87 pelagic season, 1987 coastal season, 1967 season, or 1987 as appropriate [also referred to in paragraphs 10(a), (b) and (c)].

3. Amend the date in paragraph 13(b)(2) to 1987.

4. Amend paragraph 13(b)(3) to read as follows:

"The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption. The number of whales taken in accordance with this sub-paragraph shall not exceed the limits shown in Table 1."

5. Amend Table 1 to reflect the aboriginal catch limit of 12 for the Central Stock of minke whales, with a footnote "Available to be taken by aborigines pursuant to paragraph 13(b)(3)."

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 30 September 1986. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

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9 July 1986

Our Ref. RG/VJH/16140

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS
(and copy to Commissioners)

Amendments to the Schedule - Correction

The Secretary regrets that the notification of the Amendments to the Schedule adopted by the Commission at its 38th Annual Meeting (Circular Communication dated 2 July 1986, ref: RG/VJH/16130) contains an error.

The first amendment, the classification of the Okhotsk Sea-West Pacific Stock of minke whales in the North Pacific, should be changed to reflect the fact that it was agreed that this stock should be unclassified.

The Secretary apologises for this mistake.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Bournemouth, 1987

Done at Bournemouth 26 June 1987

Entered into force 7 October 1987

Primary source citation: International Whaling Commission Circular Communication RG/VJH/16599, 9 July 1987

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9 July 1987

Our Ref. RG/VJH/ 16599

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 39th Annual Meeting, held in Bournemouth, UK, 22–26 June 1987, the International Whaling Commission adopted the following amendments to the Schedule (changes underlined):

1. Replace the text of sub-paragraph 13(b)(1)(i) by the following:

"For the year 1987, 32 whales may be struck.
For the year 1988, 35 whales may be struck."

2. Amend the date in sub-paragraph 13(b)(2) to 1988.

3. Amend Table 1 to reflect the aboriginal catch limit of 110 for the West Greenland stock of minke whales, with a footnote "Available to be taken by aborigines pursuant to paragraph 13(b)(3)."

4. Add a new sub-paragraph 13(b)(4) to read as follows:

"For the seasons 1987/88 to 1989/90 the taking of 3[2] humpback whales each season is permitted by Bequians of St Vincent and the Grenadines, but only when the meat and products of such whales are to be used exclusively for local consumption in St Vincent and the Grenadines."

Footnote [2] reads: "Each year this figure will be reviewed and if necessary amended on the basis of the advice of the Scientific Committee."

5. Revise paragraphs 11 and 12 and Tables 1, 2 and 3 by substitution of the dates 1987/88 pelagic season, 1988 coastal season, 1988 season, or 1988 as appropriate.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 7 October 1987. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Auckland, 1988

Done at Auckland 3 June 1988

Entered into force 20 October 1988

Primary source citation: International Whaling Commission Circular Communication RG/VJH/17122, 22 July 1988

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Our Ref. RG/VJH/17122

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 40th Annual Meeting held in Auckland, New Zealand, 30 May – 3 June 1988, the International Whaling Commission adopted the following amendments to the Schedule (changes in bold type):

1. In sub-paragraph 13(b)(1) replace the words "Bering Sea" by **"Bering-Chukchi-Beaufort Seas"**

2. In sub-paragraph 13(b)(1)(i) replace the text by

"For each of the years 1989, 1990 and 1991, the total number of whales struck shall not exceed 44 and the total number of whales landed shall not exceed 41, except that in 1988, 1989 or 1990, any unused strikes up to a maximum of 3 shall be transferred to the following year"

3. In sub-paragraph 13(b)(2) replace "1988" by

"each of the years 1989, 1990 and 1991"

4. Amend Table 1 to reflect an aboriginal catch limit of **60** for the West Greenland stock of minke whales, **23** for the West Greenland stock of fin whales, and **12** for the Central Atlantic stock of minke whales all with the footnote "Available to be taken by aborigines pursuant to paragraph 13(b)3."

5. Revise paragraphs 11 and 12, and Tables 1, 2 and 3, by substitution of the dates **1988/89** pelagic season, **1989** coastal season, **1989** season, or **1989** as appropriate.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 20 October 1988. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, San Diego, 1989

Done at San Diego 16 June 1989

Entered into force 25 September 1989

Primary source citations: International Whaling Commission Circular Communications RG/VJH/17563, 27 June 1989 and RG/VJH/17600, 18 July 1989

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Our Ref. RG/VJH/17563

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 41st Meeting held in San Diego, California, USA, 12–16 June 1989, the International Whaling Commission adopted the following amendments to the Schedule (changes in bold type):

1. Amend the final sentence of paragraph 7, beginning "This prohibition will apply ..." to read

   "This prohibition will apply **until 24 October 1992** unless the Commission decides otherwise."

2. Amend Table 1 to reflect an aboriginal catch limit of **100** for the West Greenland stock of minke whales, with a footnote stating **"The total catch of minke whales shall not exceed 190 in the two years 1990 and 1991 inclusive,"** together with existing footnote 2.

3. Amend Table 1 to reflect an aboriginal catch limit of 23 for the West Greenland stock of fin whales, with a footnote stating **"The total catch of fin whales shall not exceed 42 in the two years 1990 and 1991 inclusive,"** together with existing footnote 2.

4. Revise paragraphs 11 and 12, and Tables 1, 2 and 3, by substitution of the dates **1989/90** pelagic season, **1990** coastal season, **1990** season, or **1990** as appropriate.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 25 September 1989. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

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18 July 1989

Our Ref. RG/VJH/17600

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

Amendments to the Schedule (Addition)

The Secretary regrets that an amendment to the Schedule adopted at the 41st Annual Meeting of the Commission held in San Diego, California, USA, 12–16 June 1989 was omitted from the Circular Communication dated 27 June 1989 (ref: RG/VJH/17563).

In addition to the amendments listed, it was agreed to amend Table 1 to reflect an aboriginal catch limit of 12 for the Central Atlantic stock of minke whales, with a footnote stating "catch limit for each of the years 1990, 1991 and 1992," together with existing footnote 2.

The Secretary apologises for this mistake.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Noordwijk, 1990

Done at Noordwijk 6 July 1990

Entered into force 16 October 1990

Primary source citation: International Whaling Commission Circular Communication RG/VJH/18158, 18 July 1990

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18 July 1990

Our Ref. RG/VJH/18158

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

International Convention for the Regulation of Whaling, 1946
Amendments to the Schedule

At its 42nd Meeting held in Noordwijk, the Netherlands, 2–6 July 1990, the International Whaling Commission adopted the following amendments to the Schedule (changes in bold type):

1. Revise paragraphs 11 and 12, and Tables 1, 2 and 3, by substitution of the dates **1990/91** pelagic season, **1991** coastal season, **1991** season, or **1991** as appropriate.

2. Amend paragraph 13(b)(4) by substitution of the dates **1990/91** and **1992/93**.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on **16 October 1990**. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Reykjavik, 1991

Done at Reykjavik 31 May 1991

Entered into force 8 September 1991

Primary source citation: International Whaling Commission Circular Communication RG/VJH/18693, 10 June 1991

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10 June 1991

Our Ref. RG/VJH/18693

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

Amendments to the Schedule
International Convention for the Regulation of Whaling, 1946

At its 43rd Meeting held in Reykjavik, Iceland, 27–31 May 1991, the International Whaling Commission adopted the following amendments to the Schedule (changes in bold type):

Amend paragraph 13(b) to read as follows:

(b) Catch limits for aboriginal subsistence whaling are as follows:

(1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:

(i) For the years 1992, 1993 and 1994 combined, the total number of whales struck shall not exceed 141, except that:

(A) any unused strikes up to ten percent (10%) of the total strikes allowed in the years 1989, 1990 and 1991 combined shall be carried forward from those years and added to the combined total of strikes for the years 1992, 1993, and 1994; and

(B) in any one year no more than 54 whales shall be struck and no more than 41 shall be landed.

(ii) It is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

(iii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

(2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

(i) The number of gray whales taken in accordance with this sub-paragraph in each of the years **1992, 1993 and 1994** shall not exceed the limit shown in Table 1.

(ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

(3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption.

(i) The number of **fin whales from the West Greenland stock and minke whales from the Central stock** taken in accordance with this sub-paragraph shall not exceed the limits shown in Table 1.

(ii) **For each of the years 1992, 1993 and 1994, the number of minke whales struck from the West Greenland stock shall not exceed 115, and the total number of whales struck shall not exceed 315 in these three years.**

Amend Table 1 so that

1. The North Pacific Eastern stock of gray whales has a catch limit of **169**[1] with footnote [1] Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)2.

2. the North Atlantic West Greenland stock catch limit for fin whales is **21**[2] with footnote [2] Available to be taken by aborigines pursuant to paragraph 13(b)3.

3. the North Atlantic West Greenland stock of minke whales has a catch limit of **0**.

Revise paragraphs 11 and 12, and Tables 1, 2 and 3 by substitution of the dates **1991/92** pelagic season, **1992** coastal season, **1992** season, or **1992** as appropriate.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on **8 September 1991**. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
Secretary to the Commission

Amendments to the Schedule to the International Convention for the Regulation of Whaling, Glasgow, 1992

Done at Glasgow 29 June–2 July 1992

Entered into force 8 October 1992

Primary source citation: International Whaling Commission Circular Communications RG/VJH/19399, 10 July 1992 and RG/JAC/23449, 9 October 1992

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10 July 1992

Our Ref. RG/VJH/19399

CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS

Amendments to the Schedule
International Convention for the Regulation of Whaling, 1946

At its 44th Meeting held in Glasgow, UK, 29 June - 3 July 1992, the International Whaling Commission adopted the following amendments to the Schedule (changes in bold type):

Amend paragraph 7

(a) so that the penultimate sentence reads:

"This prohibition applies irrespective of **such catch limits for baleen or toothed whales** as may from time to time be determined by the Commission."

(b) delete the final sentence and replace with:

"This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002."

Amend Table 1

(a) so that the North Atlantic West Greenland Stock catch limit for fin whales is 21 with footnote [2]

(b) the North Atlantic Central Stock of minke whales has a catch limit of 12 with footnote [3]

Footnotes:

[2] Available to be taken by aborigines pursuant to paragraph 13(b)3. **Catch limit for each of the years 1993 and 1994.**

[3] Available to be taken by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years **1993** and **1994.**

Revise paragraphs 11 and 12, and Tables 1, 2 and 3

by substitution of the dates **1992/93** pelagic season, **1993** coastal season, **1993** season, or **1993** as appropriate.

These amendments become effective with respect to each Contracting Government ninety days following the date of this letter, in accordance with Article V of the Convention, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on **8 October 1992**. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments, a copy of which is being sent to each Commissioner.

Dr R. Gambell
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10 July 1992

Our Ref. RG/VJH/19399

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS

Amendments to the Schedule of the
International Convention for the Regulation of Whaling, 1946
Adopted at the 44th Annual Meeting

The Secretary refers to his Circular Communication dated 9 July 1992 (ref: RG/VJH/19398) notifying the amendments to the Schedule of the International Convention for the Regulation of Whaling, 1946, adopted at the 44th Annual Meeting of the International Whaling Commission held in Glasgow, UK, 29 June - 3 July 1992.

No objections have been received within the period of 90 days from the date of notification of these amendments, and in accordance with Article V, paragraph 3 of the Convention, the amendments become effective for all Contracting Governments from 8 October 1992.

In accordance with Article V, paragraph 3, the Secretary requests an acknowledgement of this Communication, a copy of which is also being sent to each Commissioner.

A new edition of the Schedule, to replace the version dated October 1991 and incorporating these latest amendments, will be printed and circulated in due course.

Dr R. Gambell
Secretary to the Commission

Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1957

Done at Washington 9 February 1957

*Entered into force 14 October 1957**

Depositary: United States

Primary source citation: 8 UST 2283, TIAS 3948

INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

Article I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

Article II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

* This Interim Convention expired on 14 October 1984.

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear; and

(g) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, each of the Parties agrees to carry out, each year after the entry into force of the Convention, the programs set forth in the Schedule annexed to the Convention with any modifications thereof made pursuant to Article V, paragraph 3. The said Schedule, together with any such modifications, shall be considered an integral part of this Convention.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and

(c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

Article III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 and the Schedule, in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

Article IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

Article V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) recommend to the Parties at the end of the fifth year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year, the methods of sealing best suited to achieve the objectives of this Convention; the above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year provided for in Article XI.

3. The Commission may, subsequent to the first year of operation of the Convention, modify in accordance with its scientific findings the research programs set forth in the Schedule and, if any such modifications are made, the Schedule shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

Article VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

Article VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

Article VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with the Schedule, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

Article IX

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist Republics	to Canada	15 per cent
	to Japan	15 per cent
By the United States of America	to Canada	15 per cent
	to Japan	15 per cent

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed:

(a) that in any year in which commercial killing is carried out for both the Commander and Robben Islands herds and pelagic research in that area is carried on at a level of 2,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 375 sealskins to each of these Parties;

(b) that in any year in which commercial killing is carried out for one only of the Commander or Robben Islands herds and pelagic research in that area is carried on at a level of 1,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 188 sealskins to each of these Parties.

Article X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

Article XI

The Parties agree to meet early in the sixth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2 (e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

Article XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

Article XIII

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for six years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of six years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the sixth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE in Washington this ninth day of February 1957, in the English, Japanese and Russian languages, each text equally authentic.

Schedule

1. The United States of America each year during the first four years shall tag 50,000 black pups on the Pribilof Islands.

2. The Union of Soviet Socialist Republics each year during the first four years shall tag 25 per cent of the black pups on the Commander Islands and 25 per cent of the black pups on Robben Island.

3. In the event that pelagic sealing should be suspended for one or more years under the provisions of Article IV, paragraph 3, the tagging of black pups shall continue at the mentioned rates for a comparable number of years.

4. The United States of America each year shall take at sea for research purposes in the Eastern Pacific Ocean between 1,250 and 1,750 seals.

5. Canada each year shall take at sea for research purposes in the Eastern Pacific Ocean between 500 and 750 seals.

6. Japan shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 2,750 and 3,250 seals;

(b) annually during the remaining four years of pelagic research between 1,400 and 1,600 seals.

7. The Union of Soviet Socialist Republics shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 750 and 1,250 seals;

(b) annually during the remaining four years of pelagic research between 400 and 600 seals.

Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1963

Done at Washington 8 October 1963

*Entered into force 10 April 1964**

Primary source citation: 15 UST 316, TIAS 5558

PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, hereinafter referred to as the Convention,

Having given due consideration to the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962, and

Desiring to amend the Convention,

Have agreed as follows:

Article I

The Convention shall be amended by this Protocol as from the date of its entry into force.

Article II

1. In Article II, paragraph 2 of the Convention, "and" at the end of sub-paragraph (f) shall be deleted and "(g)" shall be replaced by "(i)".

2. After Article II, paragraph 2(f) of the Convention, the following shall be inserted:

"(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

"(h) quality of sealskins by sex, age, and time and method of sealing; and".

* This Protocol expired on 14 October 1984.

Article III

Article II, paragraph 3 of the Convention shall be replaced by the following:

"3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3."

Article IV

In Article III of the Convention, "and the Schedule" shall be deleted.

Article V

Article V, paragraph 2(e) of the Convention shall be replaced by the following:

"(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI."

Article VI

Article V, paragraph 3 of the Convention shall be replaced by the following:

"3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the numbers of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party."

Article VII

In Article VIII, paragraph 2 of the Convention, "the Schedule" shall be replaced by "Article II, paragraph 3".

Article VIII

Article IX, paragraph 3 of the Convention shall be replaced by the following:

"3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics

as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years."

Article IX

1. In Article XI of the Convention, "sixth" shall be replaced by "twelfth".

2. In Article XIII, paragraph 4 of the Convention, "six" shall be replaced by "twelve" and "sixth" shall be replaced by "twelfth".

Article X

The Schedule annexed to the Convention shall be deleted.

Article XI

1. This Protocol shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Protocol shall enter into force on October 14, 1963, if the fourth instrument of ratification is deposited on or before that date, and if the fourth instrument of ratification is deposited after October 14, 1963, on the date of its deposit.

4. Notwithstanding Article I of this Protocol:

(a) if this Protocol has not entered into force on or before January 31, 1964, the Convention shall apply with respect to pelagic research for the seventh year;

(b) even if this Protocol has entered into force after the beginning of the commercial sealing season of the seventh year, Article IX, paragraph 3 as amended by this Protocol shall apply with respect to the said season.

5. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this eighth day of October 1963, in the English, Japanese, and Russian languages, each text equally authentic.

Amendment to the Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1969

Done at Washington 3 September 1969

*Entered into force 3 September 1969**

Primary source citation: 20 UST 2992, TIAS 6774

DEPARTMENT OF STATE
Washington

OCTOBER 17, 1969.

The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments concerned with the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963, and has the honor to refer to the Secretary of State's circular note dated March 19, 1969 which stated, *inter alia*, as follows:

> "In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.
>
> "It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.
>
> "It is further the understanding of the Government of the United States that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.
>
> "The Government of the United States hereby confirms the foregoing understanding on its part and would appreciate receiving written confirmation of such understandings by the other Parties. The Government of the United States will be pleased to notify such Parties of confirmations when received."

The Secretary of State transmits herewith copies of notes received from the Embassy of the Union of Soviet Socialist Republics dated April 1, 1969 (with translation by the Department of State), the Embassy of Canada dated June 3, 1969, and the Ambassador of Japan dated August 29, 1969, confirming the foregoing understandings on the

* This Amendment was superseded by the 1976 Protocol amending the Interim Convention on Conservation of North Pacific Fur Seals (see page 1595).

part of the respective Governments of the Union of Soviet Socialist Republics, Canada, and Japan. As indicated hereinbefore the United States of America notified the other Parties of its confirmation of the understandings on March 19, 1969.

Notifications of confirmation having been given by each of the four Parties to the Convention, the agreement on the matter became effective on September 3, 1969, the date of receipt of the fourth note.

The Secretary of State would be grateful if each Chief of Mission would forward this information to his Government.

Enclosures:
Copies of three notes, as stated.

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Translation

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS
WASHINGTON

April 1, 1969

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

No. 14

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Secretary of State of the United States of America and, referring to his note dated March 19, 1969, communicates that the Government of the Union of Soviet Socialist Republics agrees that the Interim Convention on Conservation of North Pacific Fur Seals, signed in Washington on February 9, 1957, with amendments introduced by the Protocol signed in Washington on October 8, 1963, remain in force, bearing in mind Article XIII, Paragraph 4, of the Convention, for a period of eighteen years and further, until the entry into force of a new or revised Fur Seal Convention between the Parties or until the expiration of one year after such eighteen year period, depending upon which occurs first.

[Initials]

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CANADIAN EMBASSY
WASHINGTON, D. C.

June 3, 1969

No.153

The Canadian Embassy presents its compliments to the Secretary of State and has the honour to refer to the Secretary's Note of March 19, 1969 concerning the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963. The Embassy wishes to inform the Secretary of State that the Canadian Government has noted the understandings set out and confirmed in the Secretary's Note under reference.

The Canadian Government has received a letter from the Chairman of the North Pacific Fur Seal Commission similar to the Chairman's letter of October 13, 1968 to the Secretary of State, a copy of which was attached to the above-mentioned Note.

The Canadian Government agrees that it would be in order for the Parties to the Interim Convention on Conservation of North Pacific Fur Seals to continue the amended Convention in force for an additional period of time.

It is the understanding of the Canadian Government that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for 18 years, and thereafter until the entry into force of a new or revised Fur Seal Convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.

It is further the understanding of the Canadian Government that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.

The Embassy confirms the foregoing understandings on the part of the Government of Canada as requested by the Government of the United States in its capacity of Depositary Government for the Convention.

The Canadian Embassy avails itself of this opportunity to renew to the Secretary of State the assurances of its highest consideration.

[Initials]

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EMBASSY OF JAPAN
WASHINGTON

August 29, 1969

The Honorable
WILLIAM P. ROGERS
The Secretary of State

E – 2

SIR:

I have the honor to acknowledge the receipt of your Note dated March 19, 1969, which reads as follows:

"The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments concerned with the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963, and has the honor to refer to a letter dated October 13, 1968 received from the Chairman of the North Pacific Fur Seal Commission, a copy of which is enclosed. It is the understanding of the Government of the United States that similar letters have been received by each of the Parties to the above-mentioned Convention.

In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.

It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a

mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.

It is further the understanding of the Government of the United States that a meeting of the Parties early in the twelfth year of the Convention will be unnecessary, the purposes of such meeting already having been accomplished as herein indicated.

The Government of the United States hereby confirms the foregoing understanding on its part and would appreciate receiving written confirmations of such understandings by the other Parties. The Government of the United States will be pleased to notify such Parties of confirmations when received."

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

Takeso Shimoda
Ambassador of Japan

Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1976

Done at Washington 7 May 1976

*Entered into force 12 October 1976**

Primary source citation: 27 UST 3371, TIAS 8368

1976 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended, hereinafter referred to as the Convention,

Having given due consideration to the recommendations adopted by the North Pacific Fur Seal Commission on March 28, 1974, and to the exchange of views expressed at the North Pacific Fur Seal Conference in March and December 1975, and

Desiring to amend the Convention,

Have agreed as follows:

ARTICLE I

The Convention shall be amended by this Protocol as from the date of its entry into force.

ARTICLE II

Article II, paragraph 2(f) of the Convention shall be replaced by the following:

"(f) relationship between fur seals and other living marine resources, including the extent to which fur seals affect commercial fish catches, the damage fur seals inflict on fishing gear, and the effect of commercial fisheries on the fur seals;".

ARTICLE III

1. In Article II, paragraph 2 of the Convention, "and" at the end of subparagraph (h) shall be deleted and "(i)" shall be replaced by "(j)".

* This Protocol expired on 14 October 1984.

2. After Article II, paragraph 2(h) of the Convention, the following shall be inserted:

"(i) effects of man-caused environmental changes on the fur seal populations; and".

ARTICLE IV

Article II, paragraph 3(b) of the Convention shall be replaced by the following:

"(b) to devote to pelagic research an effort which, to the greatest extent possible, should be similar in extent to that expended in recent years, provided that this shall not involve the annual taking by all the Parties combined of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Oceans, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and".

ARTICLE V

Article IV of the Convention shall be replaced by the following:

"Article IV

Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research."

ARTICLE VI

Article V, paragraph 2(d) of the Convention shall be replaced by the following:

"(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd and regarding a reduction or suspension of the harvest of seals on any island or group of islands in case the total number of seals on that island or group of islands falls below the level of maximum sustainable productivity; provided, however, that due consideration be given to the subsistence needs of Indians, Ainos, Aleuts, or Eskimos who live on the islands where fur seals breed, when it is not possible to provide sufficient seal meat for such persons from the seasonal commercial harvest or research activities; and".

ARTICLE VII

Article V, paragraph 2(e) of the Convention shall be replaced by the following:

"(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, and make recommendations thereon to the Parties at the end of the twenty-first year after entry into force of the Convention."

ARTICLE VIII

Article V, paragraph 3 of the Convention shall be replaced by the following:

"3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the number of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party, taking into account any recommendations made pursuant to Article V, paragraph 2(d)."

ARTICLE IX

Article V, paragraph 6 of the Convention shall be replaced by the following:

"6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission."

ARTICLE X

Article IX, paragraph 3 of the Convention shall be replaced by the following:

"3. The respective Parties will seek to ensure the utilization of those methods for the capture and killing and marking of fur seals on land or at sea which will spare the fur seals pain and suffering to the greatest extent practicable."

ARTICLE XI

Article XI of the Convention shall be replaced by the following:

"Article XI

The Parties agree to meet in the twenty-second year after entry into force of the Convention to consider the recommendations in accordance with Article V, paragraph 2(e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds."

ARTICLE XII

Article XIII, paragraph 3 of the Convention shall be replaced by the following:

"3. The Convention shall enter into force on the date of the deposit of the fourth instrument of ratification."

ARTICLE XIII

Article XIII, paragraph 4, of the Convention shall be replaced by the following:

"4. The Convention shall continue in force for twenty-two years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of twenty-two years, whichever may be the earlier; provided, however, that the Convention shall terminate one year from the day on which a Party gives written notice to the other Parties of an intention of terminating the Convention."

ARTICLE XIV

1. In Article XIII of the Convention, paragraph "5" shall be redesignated as "6".

2. After Article XIII, paragraph 4, of the Convention, the following shall be inserted:

"5. At the request of any Party, representatives of the Parties will meet at a mutually convenient time within ninety days of such request to consider the desirability of modifications of the Convention."

ARTICLE XV

1. This Protocol shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications or acceptances deposited.

3. This Protocol shall enter into force on the date on which the fourth instrument of ratification or acceptance is deposited with the Government of the United States of America.

4. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this seventh day of May, 1976, in the English, Japanese, and Russian languages, each text equally authentic.

Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1980

Done at Washington 14 October 1980

*Entered into force 2 July 1981**

Primary source citation: 32 UST 5881, TIAS 10020

1980 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended, hereinafter referred to as the Convention,

Desiring to amend the Convention,

Have agreed as follows:

Article I

The Convention shall be applied as amended by this Protocol as from the date of its entry into force.

Article II

In Article V, paragraph 2(e) of the Convention, "twenty-first" shall be replaced by "twenty-fifth".

Article III

In Article VI, paragraph 1 of the Convention, "except within the territorial waters of another State" shall be replaced by "except within the areas in which another State exercises fisheries jurisdiction".

Article IV

In Article XI of the Convention, "twenty-second" shall be replaced by "twenty-sixth".

* This Protocol expired on 14 October 1984.

Article V

In Article XIII, paragraph 4 of the Convention, "twenty-two" shall be replaced by "twenty-six".

Article VI

1. This Protocol shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United States of America as soon as possible.

2. A signatory Government which intends to ratify or accept this Protocol, may notify the Government of the United States of America that it will apply this Protocol provisionally in accordance with its laws and regulations pending fulfillment of domestic constitutional requirements for ratification or acceptance.

3. The Government of the United States of America shall notify the other signatory Governments of ratifications or acceptances deposited and of notifications of provisional application made.

4. This Protocol shall enter into force provisionally on the date on which instruments of ratification or acceptance have been deposited or the notifications of provisional application as referred to in paragraph 2 above have been made by all the signatory Governments. It shall continue in force provisionally until the date on which it enters into force definitively in accordance with the provisions of paragraph 5.

5. This Protocol shall enter into force definitively on the date on which instruments of ratification or acceptance have been deposited by all the signatory Governments.

6. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this protocol.

Done at Washington, this fourteenth day of October, nineteen hundred and eighty, in the English, French, Japanese, and Russian languages, each text equally authentic.

Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Washington, 1984

Done at Washington 12 October 1984

*Did not enter into force**

Primary source citation: Senate Treaty Document 99-5, 99th Congress, 1st Session, U.S. Government Printing Office, Washington, 1985

1984 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended and applied, hereinafter referred to as the Convention,

Desiring to amend the Convention,

Have agreed as follows:

ARTICLE I

The Convention shall be applied as amended by this Protocol as from the date of its entry into force.

ARTICLE II

In Article V, paragraph 2(e) of the Convention, "at the end of the twenty-fifth year after entry into force of the Convention" is replaced by "by October 13, 1986".

ARTICLE III

In Article XI of the Convention, "in the twenty-sixth year after entry into force of the Convention" is replaced by "within the one year period prior to October 14, 1987".

* The Interim Convention expired before this Protocol entered into force.

ARTICLE IV

In Article XIII of the Convention, paragraph 4 is replaced by the following: "4. The Convention shall continue in force until October 13, 1987 and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until October 13, 1988, whichever may be the earlier; provided, however, that the Convention shall terminate one year from the day on which a Party gives written notice to the other Parties of an intention of terminating the Convention."

ARTICLE V

1. This Protocol shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United States of America as soon as possible.

2. A signatory Government which intends to ratify or accept this Protocol may notify the Government of the United States of America that it will apply this Protocol provisionally in accordance with its laws and regulations pending the fulfillment of domestic constitutional requirements for ratification or acceptance.

3. The Government of the United States of America shall notify the other signatory Governments of ratifications or acceptance deposited and of notifications of provisional application made.

4. This Protocol shall enter into force provisionally on the date on which instruments of ratification or acceptance have been deposited with or the notifications of provisional application as referred to in paragraph 2 above have been made to the Government of the United States of America by all the signatory Governments. It shall continue in force provisionally until the date on which it enters into force definitively in accordance with the provisions of paragraph 5.

5. This Protocol shall enter into force definitively on the date on which instruments of ratification or acceptance have been deposited with the Government of the United States of America by all the signatory Governments.

6. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this 12th day of October, 1984, in the English, French, Japanese, and Russian languages, each text being equally authentic.

STATEMENT BY THE GOVERNMENTS OF CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON THE SIGNING OF THE 1984 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America (hereinafter referred to as the "Governments"), Parties to the Interim Convention on Conservation of North Pacific Fur Seals, as amended and applied (hereinafter referred to as the "Convention"), noted that, through their efforts, the North Pacific Fur Seal Commission (hereinafter referred to as the "Commission") has made an important contribution during the past quarter century to the conservation and management of North Pacific fur seal resources, and to the maintenance of a healthy ecosystem that includes such resources.

Therefore, the Governments expressed their intention to ratify or accept the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals in order to enable the Commission to continue its effective role in achieving the objectives of the Convention.

At the same time, the Governments noted that concern had been expressed on the decline of the fur seal populations, current economic conditions, and other problems of fur seal conservation and utilization.

As a result of the concern expressed, the Governments have expressed their shared view:

(1) that, in accordance with Article II of the Convention, additional research should be conducted concerning current aspects of fur seal conservation including the problem of entanglement of fur seals in lost or discarded fishing nets, gear, and other debris;

(2) that, in accordance with Article X of the Convention, and in conformity with their national laws, the Governments will take appropriate measures to prohibit the disposal at sea in the Convention areas of synthetic materials, such as fishing nets, or parts thereof, fishing gear, ropes, packing bands, and other debris which might lead to the entanglement of fur seals, in accordance with the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of December 29, 1972;

(3) that, in accordance with Article X of the Convention, it may be necessary during the interim period of the Convention to take into account unforeseen circumstances as noted by the States of fur seal origin in considering measures to be taken for conservation and management of the fur seal populations; and

(4) that, taking into account Article XIII, paragraphs 4 and 5, as well as Article V, paragraph 2(e), within two years after the entry into force of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals and considering current factors, the Governments will review the operation of the Convention to determine what further agreements would be desirable in order to achieve the objectives of the Convention.

DONE at Washington this 12th day of October, 1984 in the English, French, Japanese, and Russian languages, each text being equally authentic.

Agreement on the Conservation of Polar Bears, Oslo, 1973

Done at Oslo 15 November 1973

Entered into force 26 May 1976;
for the United States 1 November 1976

Primary source citation: 27 UST 3918, TIAS 8409

AGREEMENT ON THE CONSERVATION OF POLAR BEARS

THE GOVERNMENTS of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States of America,

RECOGNIZING the special responsibilities and special interests of the States of the Arctic Region in relation to the protection of the fauna and flora of the Arctic Region;

RECOGNIZING that the polar bear is a significant resource of the Arctic Region which requires additional protection;

HAVING DECIDED that such protection should be achieved through co-ordinated national measures taken by the States of the Arctic Region;

DESIRING to take immediate action to bring further conservation and management measures into effect;

HAVE AGREED AS FOLLOWS:

ARTICLE I

1. The taking of polar bears shall be prohibited except as provided in Article III.

2. For the purpose of this Agreement, the term "taking" includes hunting, killing and capturing.

ARTICLE II

Each Contracting Party shall take appropriate action to protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns, and shall manage polar bear populations in accordance with sound conservation practices based on the best available scientific data.

ARTICLE III

1. Subject to the provisions of Articles II and IV, any Contracting Party may allow the taking of polar bears when such taking is carried out:

(a) for bona fide scientific purposes; or

(b) by that Party for conservation purposes; or

(c) to prevent serious disturbance of the management of other living resources, subject to forfeiture to that Party of the skins and other items of value resulting from such taking; or

(d) by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party; or

(e) wherever polar bears have or might have been subject to taking by traditional means by its nationals.

2. The skins and other items of value resulting from taking under sub-paragraphs (b) and (c) of paragraph 1 of this Article shall not be available for commercial purposes.

ARTICLE IV

The use of aircraft and large motorized vessels for the purpose of taking polar bears shall be prohibited, except where the application of such prohibition would be inconsistent with domestic laws.

ARTICLE V

A Contracting Party shall prohibit the exportation from, the importation and delivery into, and traffic within, its territory of polar bears or any part or product thereof taken in violation of this Agreement.

ARTICLE VI

1. Each Contracting Party shall enact and enforce such legislation and other measures as may be necessary for the purpose of giving effect to this Agreement.

2. Nothing in this Agreement shall prevent a Contracting Party from maintaining or amending existing legislation or other measures or establishing new measures on the taking of polar bears so as to provide more stringent controls than those required under the provisions of this Agreement.

ARTICLE VII

The Contracting Parties shall conduct national research programmes on polar bears, particularly research relating to the conservation and management of the species. They shall as appropriate coordinate such research with research carried out by other Parties, consult with other Parties on the management of migrating polar bear populations, and exchange information on research and management programmes, research results and data on bears taken.

ARTICLE VIII

Each Contracting Party shall take action as appropriate to promote compliance with the provisions of this Agreement by nationals of States not party to this Agreement.

ARTICLE IX

The Contracting Parties shall continue to consult with one another with the object of giving further protection to polar bears.

ARTICLE X

1. This Agreement shall be open for signature at Oslo by the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics and the United States of America until 31st March 1974.

2. This Agreement shall be subject to ratification or approval by the signatory Governments. Instruments of ratification or approval shall be deposited with the Government of Norway as soon as possible.

3. This Agreement shall be open for accession by the Governments referred to in paragraph 1 of this Article. Instruments of accession shall be deposited with the Depositary Government.

4. This Agreement shall enter into force ninety days after the deposit of the third instrument of ratification, approval or accession. Thereafter, it shall enter into force for a signatory or acceding Government on the date of deposit of its instrument of ratification, approval or accession.

5. This Agreement shall remain in force initially for a period of five years from its date of entry into force, and unless any Contracting Party during that period requests the termination of the Agreement at the end of that period, it shall continue in force thereafter.

6. On the request addressed to the Depositary Government by any of the Governments referred to in paragraph 1 of this Article, consultations shall be conducted with a view to convening a meeting of representatives of the five Governments to consider the revision or amendment of this Agreement.

7. Any Party may denounce this Agreement by written notification to the Depositary Government at any time after five years from the date of entry into force of this Agreement. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

8. The Depositary Government shall notify the Governments referred to in paragraph 1 of this Article of the deposit of instruments of ratification, approval or accession, of the entry into force of this Agreement and of the receipt of notifications of denunciation and any other communications from a Contracting Party specifically provided for in this Agreement.

9. The original of this Agreement shall be deposited with the Government of Norway which shall deliver certified copies thereof to each of the Governments referred to in paragraph 1 of this Article.

10. The Depositary Government shall transmit certified copies of this Agreement to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Agreement.

DONE at Oslo, in the English and Russian languages, each text being equally authentic, this fifteenth day of November, 1973.

Agreement on the Conservation of Seals in the Wadden Sea, Bonn, 1990

Done at Bonn 16 October 1990

*Entered into force 1 October 1991**

Depositary: Germany

Primary source citation: Copy of text provided by the United Nations Environment Program, Secretariat to the Convention on the Conservation of Migratory Species of Wild Animals

AGREEMENT ON THE CONSERVATION OF SEALS IN THE WADDEN SEA

The Parties,

RECOGNIZING that seals are an irreplaceable component of the Wadden Sea ecosystem and that they are of great importance as indicators of its condition;

AWARE that they constitute a separate population whose main range and the main migration routes are located in the Wadden Sea and which should, as a consequence, be managed as a single unit;

DEEPLY CONCERNED by the conservation status of that population, which as the result of mass deaths of seals has been reduced to the lowest level ever recorded;

WITH A VIEW to improving this conservation status through concerted action on the part of the States that exercise jurisdiction over the range of that population;

RECALLING the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979 and notably its Appendix II which was amended in 1985 to include the Wadden Sea population of the common or harbour seal;

RECALLING the Joint Declaration on the Protection of the Wadden Sea, adopted at the Third Governmental Meeting on the Protection of the Wadden Sea in Copenhagen on 9 December 1982;

RECALLING the Declarations adopted by the First International Conference on the Protection of the North Sea, Bremen, 1 November 1984, and the Second International Conference on the Protection of the North Sea, London, 25 November 1987;

RECALLING the trilateral Administrative Agreement on a Common Secretariat for the Cooperation on the Protection of the Wadden Sea of 23 October 1987;

HAVE AGREED as follows:

* This Agreement is not in force for the United States. This Agreement was concluded pursuant to Article IV of the 1979 Convention on the Conservation of Migratory Species of Wild Animals (see Volume I, page 662).

I
Relationship with the Convention

This Agreement shall be deemed to be an agreement as defined in Article IV paragraph 4 of the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979.

II
Definitions

For the purpose of this Agreement:

a) "seal" means an animal of the species Phoca vitulina;

b) the "Agreement Area" means the area of water known as the Wadden Sea, including all sandbanks therein as well as all shore areas of the North Sea coasts of Denmark, the Federal Republic of Germany and the Netherlands between Blaavandshuk to the north and Den Helder to the west. The main ranges and the main migration routes are located in the Wadden Sea;

c) "seal population" means all seals which, at any time, are present in the Agreement Area;

d) "habitat" means any part of the Agreement Area which is essential to the maintenance of the vital biological functions of seals, including but not limited to breeding, whelping, nursing, feeding or resting;

e) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979;

f) the terms defined in Article I, sub-paragraphs 1 (a) to (d) and 1 (i) of the Convention shall have the same meaning in this Agreement.

III
Purpose and Object

The Parties shall cooperate closely with a view to achieving and maintaining a favourable conservation status for the seal population.

IV
Conservation and Management Plan

The Parties shall develop on the basis of scientific knowledge a conservation and management plan for the seal population. This plan shall contain a comprehensive statement of actions which are or are to be undertaken by the Parties to achieve the goals of this Agreement. The Parties shall keep the plan under review and amend it, as may be required, taking into consideration, in particular, the results of scientific research.

V
Research and Monitoring

1. The Parties shall co-ordinate their research programmes and projects and their monitoring of the seal population to increase their knowledge of the biology and the habitats including harmful effects of human activities on the seal population to provide a basis for measures to improve its conservation status.

2. They shall, in particular, monitor and co-ordinate their research on

   a) population trends, e.g. through periodic aerial surveys and counts;

   b) seal migration;

   c) seal population parameters, e.g. diseases, survival, age structure, sex ratio.

VI
Taking

1. The Parties shall prohibit the taking of seals from the Wadden Sea.

2. The competent authorities may grant exemptions from the prohibition referred to in the first paragraph authorizing persons to take seals:

   - for institutions to be designated performing scientific research into the conservation of the seal population in the Wadden Sea or the conservation of the Wadden Sea ecosystem, insofar as the information required for such research cannot be obtained in any other way; or

   - for institutions to be designated nursing seals in order to release them after recovery, insofar as these are diseased or weakened seals or evidently abandoned suckling seals.

   Seals which are clearly suffering and cannot survive may be killed by the persons referred to in this paragraph.

3. Any Party having granted exemptions as mentioned above shall notify the other Parties as soon as possible and provide them with an opportunity for review and comment.

4. The Parties shall take appropriate action to suppress illegal hunting and taking of seals.

VII
Habitats

1. The Parties shall take appropriate measures for the protection of habitats. They shall pay due regard to the necessity of creating and maintaining a network of protected areas also in the migration areas of the seals in the Agreement Area and of ensuring the preservation of areas which are essential to the maintenance of the vital biological functions of seals.

2. The Parties shalt preserve habitats and seals present from undue disturbances or changes resulting, directly or indirectly, from human activities.

3. The Parties shall have regard to the protection of habitats from adverse effects resulting from activities carried out outside the Agreement Area.

4. The Parties shall explore the possibility of restoring degraded habitats and of creating new ones.

VIII
Pollution

The Wadden Sea States are determined to do their utmost to further reduce pollution of the North Sea from whatever source with the aim of conserving and protecting the Agreement Area.

To this end they shall:

a) endeavour to identify the sources of such pollution;

b) co-ordinate their research projects regarding seal diseases and the effects on the seal population of such substances, e.g. organochlorine compounds, heavy metals and oil, and agree on methods which permit a comparison of research results;

c) monitor in the Agreement Area, in particular in seal tissues and in organisms which are preyed upon by seals, the levels of those substances which in the light of the results of research appear to play a major role in the conservation status of the seal population.

IX
Responsible Authorities

Each Party shall inform the other Parties of the authorities which shall be responsible for the implementation of this Agreement.

X
Public Awareness

The Parties shall take such measures as may be required to make the general public aware of the conservation status of the seal population, of the content and aims of this Agreement, and of the measures they have taken pursuant to this Agreement, including the Conservation and Management Plan, to improve this conservation status.

XI
Amendment of the Agreement

Any Party may propose amendments to this Agreement. Any such proposed amendment shall be submitted to the Depositary and communicated by it to all Parties, which shall inform the Depositary of their acceptance or rejection of the amendment as soon as possible after the receipt of the communication. The amendment shall enter into force ninety days after the Depositary has received notifications of acceptance of that amendment from all Parties.

XII
Effects on International Conventions and other Legislation

1. The provisions of this Agreement shall in no way affect the rights or obligations of any Party deriving from any existing bilateral or multilateral convention.

2. The provisions of this Agreement shalt in no way affect the right of Parties to adopt stricter domestic measures concerning the conservation of seals.

XIII
Settlement of Disputes

1. Any dispute which may arise between the Parties with respect to the interpretation or application of the provisions of this Agreement shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article within six months, the procedure provided for in the European Convention for the peaceful settlement of disputes of 29 April 1957 shall be followed.

XIV
Reservation

The provisions of this Agreement shall not be subject to reservations.

XV
Ratification, Acceptance, Approval

This Agreement shall bee subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany, which shall be the Depositary.

XVI
Entry into Force

This Agreement shall enter into force on the first day of the third month following the date of deposit of the third instrument of ratification, acceptance, approval or accession with the Depositary.

XVII
Denunciation

At any time, after the expiration of a period of five years from the date of entry into force of this Agreement, any Party may by written notice to the Depositary denounce this Agreement with effect from the end of a calendar year. This Agreement shall be terminated twelve months after the Depositary has received such notice.

XVIII
Depositary

1. The original of this Agreement, in the Danish, Dutch, English and German languages, each version being equally authentic, shall be deposited with the Depositary. The Depositary shall transmit certified copies of each of these versions to the States which have signed the Agreement and the Secretariat of the Convention.

2. The Depositary shall inform all signatory States and the Secretariat of the Convention of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Agreement, amendments thereto, and notices of denunciation.

3. As soon as this Agreement enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations, and to the Secretariat of the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Agreement.

DONE at Bonn on 16 October 1990

Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, New York, 1992

*Done at New York 17 March 1992**

Not in force

Depositary: Secretary-General of the United Nations

Primary source citation: Copy of text provided by the United Nations Environment Program, Secretariat to the Convention on the Conservation of Migratory Species of Wild Animals

AGREEMENT ON THE CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS

The Parties,

Recalling the general principles of conservation and sustainable use of natural resources, as reflected in the World Conservation Strategy of the International Union for the Conservation of Nature and Natural Resources, the United Nations Environment Programme, and the World Wide Fund for Nature, and in the report of the World Commission on Environment and Development,

Recognizing that small cetaceans are and should remain an integral part of marine ecosystems,

Aware that the population of harbour porpoises of the Baltic Sea has drastically decreased,

Concerned about the status of small cetaceans in the Baltic and North Seas,

Recognizing that by-catches, habitat deterioration and disturbance may adversely affect these populations,

Convinced that their vulnerable and largely unclear status merits immediate attention in order to improve it and to gather information as a basis for sound decisions on management and conservation,

Confident that activities for that purpose are best coordinated between the States concerned in order to increase efficiency and avoid duplicate work,

Aware of the importance of maintaining maritime activities such as fishing,

Recalling that under the Convention on the Conservation of Migratory Species of Wild Animals (Bonn 1979), Parties are encouraged to conclude agreements on wild animals which periodically cross national jurisdictional boundaries,

* This Agreement was concluded pursuant to Article IV of the 1979 Convention on the Conservation of Migratory Species of Wild Animals (see Volume I, page 662).

Recalling also that under the provisions of the Convention on the Conservation of European Wildlife and Natural Habitats (Berne 1979), all small cetaceans regularly present in the Baltic and North Seas are listed in its Appendix II as strictly protected species, and

Referring to the Memorandum of Understanding on Small Cetaceans in the North Sea signed by the Ministers present at the Third International Conference on the Protection of the North Sea,

have agreed as follows:

1. Scope and interpretation

1.1. This agreement shall apply to all small cetaceans found within the area of the agreement.

1.2. For the purpose of this agreement:

(a) "Small cetaceans" means any species, subspecies or population of toothed whales Odontoceti, except the sperm whale Physeter macrocephalus;

(b) "Area of the agreement" means the marine environment of the Baltic and North Seas, as delimited to the north-east by the shores of the Gulfs of Bothnia and Finland; to the south-west by latitude 48 30 N and longitude 5 W; to the north-west by longitude 5 W and a line drawn through the following points: latitude 60 N/longitude 5 W, latitude 61 N/longitude 4 W, and latitude 62 N/longitude 3 W; to the north by latitude 62 N; and including the Kattegat and the Sound and Belt passages but excluding the waters between Cape Wrath and St Anthony Head;

(c) "Bonn Convention" means the Convention on the Conservation of Migratory Species of Wild Animals (Bonn 1979);

(d) "Regional Economic Integration Organization" means an organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this agreement;

(e) "Party" means a range State or any Regional Economic Integration Organization for which this agreement is in force;

(f) "Range State" means any State, whether or not a Party to the agreement, that exercises jurisdiction over any part of the range of a species covered by this agreement, or a State whose flag vessels, outside national jurisdictional limits but within the area of the agreement, are engaged in operations adversely affecting small cetaceans;

(g) "Secretariat" means, unless the context otherwise indicates, the Secretariat to this agreement.

2. Purpose and basic arrangements

2.1. The Parties undertake to cooperate closely in order to achieve and maintain a favourable conservation status for small cetaceans.

2.2. In particular, each Party shall apply within the limits of its jurisdiction and in accordance with its international obligations, the conservation, research and management measures prescribed in the Annex.

2.3. Each Party shall designate a Coordinating Authority for activities under this agreement.

2.4. The Parties shall establish a Secretariat and an Advisory Committee not later than at their first Meeting.

2.5. A brief report shall be submitted by each Party to the Secretariat not later than 31 March each year, commencing with the first complete year after the entry into force of the agreement for that Party. The report shall cover progress made and difficulties experienced during the past calendar year in implementing the agreement.

2.6. The provisions of this agreement shall not affect the rights of a Party to take stricter measures for the conservation of small cetaceans.

3. The Coordinating Authority

3.1. The activities of each Party shall be coordinated and monitored through its Coordinating Authority which shall serve as the contact point for the Secretariat and the Advisory Committee in their work.

4. The Secretariat

4.1. The Secretariat shall, following instructions provided by the meetings of the Parties, promote and coordinate the activities undertaken in accordance with Article 6.1 of this agreement and shall, in close consultation with the Advisory Committee, provide advice and support to the Parties and their Coordinating Authorities.

4.2. In particular, the Secretariat shall: facilitate the exchange of information and assist with the coordination of monitoring and research among Parties and between the Parties and international organizations engaged in similar activities; organize meetings and notify Parties, the observers mentioned in Article 6.2.1 and the Advisory Committee; coordinate and circulate proposals for amendments to the agreement and its Annex; and present to the Coordinating Authorities, each year no later than 30 June, a summary of the Party reports submitted in accordance with Article 2.5, and a brief account of its own activities during the past calendar year, including a financial report.

4.3. The Secretariat shall present to each Meeting of the Parties a summary of, inter alia, progress made and difficulties encountered since the last Meeting of the Parties. A copy of this report shall be submitted to the Secretariat of the Bonn Convention for information to the Parties of that Convention.

4.4. The Secretariat shall be attached to a public institution of a Party or to an international body, and that institution or body shall be the employer of its staff.

5. The Advisory Committee

5.1. The Meeting of the Parties shall establish an Advisory Committee to provide expert advice and information to the Secretariat and the Parties on the conservation and management of small cetaceans and on other matters in relation to the running of the agreement, having regard to the need not to duplicate the work of other international bodies and the desirability of drawing on their expertise.

5.2. Each Party shall be entitled to appoint one member of the Advisory Committee.

5.3. The Advisory Committee shall elect a chairman and establish its own rules of procedure.

5.4. Each Committee member may be accompanied by advisers, and the Committee may invite other experts to attend its meetings. The Committee may establish working groups.

6. The Meeting of the Parties

6.1. The Parties shall meet, at the invitation of the Bonn Convention Secretariat on behalf of any Party, within one year of the entry into force of this agreement, and thereafter, at the notification of the Secretariat, not less than once every three years to review the progress made and difficulties encountered in the implementation and operation of the agreement since the last Meeting, and to consider and decide upon:

(a) The latest Secretariat report;

(b) Matters relating to the Secretariat and the Advisory Committee;

(c) The establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years;

(d) Any other item relevant to this agreement circulated among the Parties by a Party or by the Secretariat not later than 90 days before the Meeting, including proposals to amend the agreement and its Annex; and

(e) The time and venue of the next Meeting.

6.2.1. The following shall be entitled to send observers to the Meeting: the Depositary of this agreement, the secretariats of the Bonn Convention, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, the Convention for the Prevention of Marine Pollution from Landbased Sources, the Common Secretariat for the Cooperation on the Protection of the Wadden Sea, the International Whaling Commission, the North-East Atlantic Fisheries Commission, the International Baltic Sea Fisheries Commission, the Baltic Marine Environment Protection Commission, the International Council for the Exploration of the Sea, the International Union for the Conservation of Nature and Natural Resources, and all non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned.

6.2.2. Any other body qualified in cetacean conservation and management may apply to the Secretariat not less than 90 days in advance of the Meeting to be allowed to be represented by observers. The Secretariat shall communicate such applications to the Parties at least 60 days before the Meeting, and observers shall be entitled to be present unless that is opposed not less than 30 days before the Meeting by at least one third of the Parties.

6.3. Decisions at Meetings shall be taken by a simple majority among Parties present and voting, except that financial decisions and amendments to the agreement and its Annex shall require a three-quarters majority among those present and voting. Each Party shall have one vote. However, in matters within their competence, the European Economic Community shall exercise their voting rights with a number of votes equal to the number of their member States which are Parties to the agreement.

6.4. The Secretariat shall prepare and circulate a report of the Meeting to all Parties and observers within 90 days of the closure of the Meeting.

6.5. This agreement and its Annex may be amended at any Meeting of the Parties.

6.5.1. Proposals for amendments may be made by any Party.

6.5.2. The text of any proposed amendment and the reasons for it shall be communicated to the Secretariat at least 90 days before the opening of the Meeting. The Secretariat shall transmit copies forthwith to the Parties.

6.5.3. Amendments shall enter into force for those Parties which have accepted them 90 days after the deposit of the fifth instrument of acceptance of the amendment with the Depositary. Thereafter they shall enter into force for a Party 30 days after the date of deposit of its instrument of acceptance of the amendment with the Depositary.

7. Financing

7.1. The Parties agree to share the cost of the budget, with Regional Economic Integration Organizations contributing 2.5 per cent of the administrative costs and other Parties sharing the balance in accordance with the United Nations scale, but with a maximum of 25 per cent per Party.

7.2. The share of each Party in the cost of the Secretariat and any additional sum agreed for covering other common expenses shall be paid to the Government or international organization hosting the Secretariat, as soon as practicable after the end of March and in no case later than before the end of June each year.

7.3. The Secretariat shall prepare and keep financial accounts by calendar years.

8. Legal matters and formalities

8.1. This is an agreement within the meaning of the Bonn Convention, Article IV (4).

8.2. The provisions of this agreement shall in no way affect the rights and obligations of a Party deriving from any other existing treaty, convention, or agreement.

8.3. The Secretary-General of the United Nations shall assume the functions of Depositary of this agreement.

8.3.1. The Depositary shall notify all signatories, all Regional Economic Integration Organizations and the Bonn Convention Secretariat of any signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the agreement, amendments, reservations and denunciations.

8.3.2. The Depositary shall send certified true copies of the agreement to all signatories, all non-signatory Range States, all Regional Economic Integration Organizations and the Bonn Convention Secretariat.

8.4. The agreement shall be open for signature at the United Nations Headquarters by 31 March 1992 and thereafter remain open for signature at the United Nations Headquarters by all Range States and Regional Economic Integration Organizations, until the date of entry into force of the agreement. They may express their consent to be bound by the agreement (a) by signature, not subject to ratification, acceptance or approval, or (b) if the agreement has been signed subject to ratification, acceptance or approval, by the deposit of an instrument of ratification, acceptance or approval. After the date of its entry into force, the agreement shall be open for accession by Range States and Regional Economic Integration Organizations.

8.5. The agreement shall enter into force 90 days after six Range States have expressed their consent to be bound by it in accordance with Article 8.4. Thereafter, it shall enter into force for a State and Regional Economic Integration Organization on the 30th day after the date of signature, not subject to ratification, acceptance or approval, or of the deposit of an instrument of ratification, acceptance, approval or accession with the Depositary.

8.6. The agreement and its Annex shall not be subject to general reservations. However, a Range State or Regional Economic Integration Organization may, on becoming a Party in accordance with Article 8.4 and 8.5, enter a specific reservation with regard to any particular species, subspecies or population of small cetaceans. Such reservations shall be communicated to the Depositary on signing or at the deposit of an instrument of ratification, acceptance, approval or accession.

8.7. A Party may at any time denounce this agreement. Such denunciation shall be notified in writing to the Depositary and take effect one year after the receipt thereof.

In witness whereof the undersigned, being duly authorized thereto, have affixed their signatures to this agreement.

Done at New York on 17 March 1992, the English, French, German and Russian texts of the agreement being equally authentic.

ANNEX

Conservation and management plan

The following conservation, research, and management measures shall be applied, in conjunction with other competent international bodies, to the populations defined in Article 1.1:

1. Habitat conservation and management

Work towards (a) the prevention of the release of substances which are a potential threat to the health of the animals, (b) the development, in the light of available data indicating unacceptable interaction, of modifications of fishing gear and fishing practices in order to reduce by-catches and to prevent fishing gear from getting adrift or being discarded at sea, (c) the effective regulation, to reduce the impact on the animals, of activities which seriously affect their food resources, and (d) the prevention of other significant disturbance, especially of an acoustic nature.

2. Surveys and research

Investigations, to be coordinated and shared in an efficient manner between the Parties and competent international organizations, shall be conducted in order to (a) assess the status and seasonal movements of the populations and stocks concerned, (b) locate areas of special importance to their survival, and (c) identify present and potential threats to the different species.

Studies under (a) should particularly include improvement of existing and development of new methods to establish stock identity and to estimate abundance, trends, population structure and dynamics, and migrations. Studies under (b) should focus on locating areas of special importance to breeding and feeding. Studies under (c) should include research on habitat requirements, feeding ecology, trophic relationships, dispersal, and sensory biology

with special regard to effects of pollution, disturbance and interactions with fisheries, including work on methods to reduce such interactions. The studies should exclude the killing of animals and include the release in good health of animals captured for research.

3. Use of by-catches and strandings

Each Party shall endeavour to establish an efficient system for reporting and retrieving by-catches and stranded specimens and to carry out, in the framework of the studies mentioned above, full autopsies in order to collect tissues for further studies and to reveal possible causes of death and to document food composition. The information collected shall be made available in an international database.

4. Legislation

Without prejudice to the provisions of paragraph 2 above, the Parties shall endeavour to establish (a) the prohibition under national law, of the intentional taking and killing of small cetaceans where such regulations are not already in force, and (b) the obligation to release immediately any animals caught alive and in good health. Measures to enforce these regulations shall be worked out at the national level.

5. Information and education

Information shall be provided to the general public in order to ensure support for the aims of the agreement in general and to facilitate the reporting of sightings and strandings in particular; and to fishermen in order to facilitate and promote the reporting of by-catches and the delivery of dead specimens to the extent required for research under the agreement.

Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic, Nuuk, 1992

Done at Nuuk 9 April 1992

*Entered into force 8 July 1992**

Primary source citation: Copy of text provided by the Government of Iceland

AGREEMENT
on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic

The Parties,

IN PURSUANCE of the objectives laid down in the Memorandum of Understanding, signed at Tromso on 19 April 1990, on cooperation between countries bordering the North Atlantic Ocean in research, conservation and management of marine mammals;

HAVING REGARD to their common concerns for the rational management, conservation and optimum utilization of the living resources of the sea in accordance with generally accepted principles of the sea in accordance with generally accepted principles of international law as reflected in the 1982 United Nations Convention on the Law of the Sea;

DESIRING to enhance their cooperation research on marine mammals and their role in the ecosystem, including, where appropriate, multi-species approaches, and on the effects of marine pollution and other human activities;

BEARING IN MIND the need to develop management procedures which take into account the relationship between marine mammals and other marine living resources;

RECALLING the general principles of conservation and sustainable use of natural resources as reflected in the report of the World Commission on Environment and Development;

CONVINCED that regional bodies in the North Atlantic can ensure effective conservation, sustainable marine resource utilization and development with due regard to the needs of coastal communities and indigenous people;

have agreed as follows:

* This Agreement is not in force for the United States.

Article 1

There is hereby established an international organization that shall be known as the North Atlantic Marine Mammal Commission (NAMMCO).

Article 2

The objective of the Commission shall be to contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic.

Article 3

The Commission shall consist of:

(a) a Council;

(b) Management Committee;

(c) a Scientific Committee;

(d) a Secretariat.

Article 4

1. Each Party shall be a member of the Council.

2. The functions of the Council shall be:

   (a) to provide a forum for the study, analysis and exchange of information among the Parties on matters concerning marine mammals in the North Atlantic;

   (b) to establish appropriate Management Committees and coordinate their activities;

   (c) to establish guidelines and objectives for the work of the Management Committees;

   (d) to establish working arrangements with the International Council for the Exploration of the Sea and other appropriate organizations;

   (e) to coordinate requests for scientific advice;

   (f) to establish cooperation with States not Parties to this Agreement in order to further the objective set out in Article 2.

3. Decisions of the Council shall be taken by the unanimous vote of those members present and casting an affirmative vote.

Article 5

1. Management Committees shall with respect to stocks of marine mammals within their respective mandates:

   (a) propose to their members measures for conservation and management;

   (b) make recommendations to the Council concerning scientific research.

2. Decisions of Management Committees shall be taken by the unanimous vote of those members present and casting an affirmative vote.

Article 6

1. The Scientific Committee shall consist of experts appointed by the Parties.

2. Subject to the approval of the Council, the Scientific Committee may invite other experts to participate in the conduct of its work.

3. The Scientific Committee shall provide scientific advice in response to requests from the Council, utilizing, to the extent possible, existing scientific information.

Article 7

1. The Council shall establish a Secretariat.

2. The Secretariat shall perform such functions as the Council may determine.

Article 8

The Council may agree to admit observers to meetings of the Commission when such admission is consistent with the objective set out in Article 2.

Article 9

This Agreement is without prejudice to obligations of the Parties under other international agreements.

Article 10

1. This agreement shall be open for signature on 9 April 1992 by the Faroe Islands, Greenland, Iceland and Norway, and shall enter into force 90 days after signature.

2. It shall remain open for signature by other Parties with the consent of the existing signatories.

3. Any Party may withdraw from this Agreement upon giving six months' notice.

Done at Nuuk on 9 April 1992.

MULTILATERAL

MARINE POLLUTION

Convention on the Intergovernmental Maritime Consultative Organization, Geneva, 1948

Done at Geneva 6 March 1948

Entered into force 17 March 1958

Depositary: Secretary-General of the United Nations

Primary source citation: 9 UST 621, TIAS 4044

CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The States parties to the present Convention hereby establish the Intergovernmental Maritime Consultative Organization (hereinafter referred to as "the Organization").

PART I

Purposes of the Organization

Article 1

The purposes of the Organization are:

(a) to provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;

(b) to encourage the removal of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination; assistance and encouragement given by a Government for the development of its national shipping and for purposes of security does not in itself constitute discrimination, provided that such assistance and encouragement is not based on measures designed to restrict the freedom of shipping of all flags to take part in international trade;

(c) to provide for the consideration by the Organization of matters concerning unfair restrictive practices by shipping concerns in accordance with Part II;

(d) to provide for the consideration by the Organization of any matters concerning shipping that may be referred to it by any organ or Specialized Agency of the United Nations;

(e) to provide for the exchange of information among Governments on matters under consideration by the Organization.

PART II

Functions

Article 2

The functions of the Organization shall be consultative and advisory.

Article 3

In order to achieve the purposes set out in Part I, the functions of the Organization shall be:-

(a) subject to the provisions of Article 4, to consider and make recommendations upon matters arising under Article 1 (a), (b) and (c) that may be remitted to it by Members, by any organ or Specialized Agency of the United Nations or by any other intergovernmental organization or upon matters referred to it under Article 1 (d);

(b) to provide for the drafting of conventions, agreements, or other suitable instruments, and to recommend these to Governments and to intergovernmental organizations, and to convene such conferences as may be necessary;

(c) to provide machinery for consultation among Members and the exchange of information among Governments.

Article 4

In those matters which appear to the Organization capable of settlement through the normal processes of international shipping business the Organization shall so recommend. When, in the opinion of the Organization, any matter concerning unfair restrictive practices by shipping concerns is incapable of settlement through the normal processes of international shipping business, or has in fact so proved, and provided it shall first have been the subject of direct negotiations between the Members concerned, the Organization shall, at the request of one of those Members, consider the matter.

PART III

Membership

Article 5

Membership in the Organization shall be open to all States, subject to the provisions of Part III.

Article 6

Members of the United Nations may become Members of the Organization by becoming parties to the Convention in accordance with the provisions of Article 57.

Article 7

States not Members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in Geneva on the 19th February 1948, may become Members by becoming parties to the Convention in accordance with the provisions of Article 57.

Article 8

Any State not entitled to become a Member under Article 6 or 7 may apply through the Secretary-General of the Organization to become a Member and shall be admitted as a Member upon its becoming a party to the Convention in accordance with the provisions of Article 57 provided that, upon the recommendation of the Council, its application has been approved by two-thirds of the Members other than Associate Members.

Article 9

Any territory or group of territories to which the Convention has been made applicable under Article 58, by the Member having responsibility for its international relations or by the United Nations, may become an Associate Member of the Organization by notification in writing given by such Member or by the United Nations, as the case may be, to the Secretary-General of the United Nations.

Article 10

An Associate Member shall have the rights and obligations of a Member under the Convention except that it shall not have the right to vote in the Assembly or be eligible for membership on the Council or on the Maritime Safety Committee and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

Article 11

No State or territory may become or remain a Member of the Organization contrary to a resolution of the General Assembly of the United Nations.

PART IV

Organs

Article 12

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

PART V

The Assembly

Article 13

The Assembly shall consist of all the Members.

Article 14

Regular sessions of the Assembly shall take place once every two years. Extraordinary sessions shall be convened after a notice of sixty days whenever one-third of the Members give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of sixty days.

Article 15

A majority of the Members other than Associate Members shall constitute a quorum for the meetings of the Assembly.

Article 16

The functions of the Assembly shall be:

(a) to elect at each regular session from among its Members, other than Associate Members, its President and two Vice Presidents who shall hold office until the next regular session;

(b) to determine its own rules of procedure except as otherwise provided in the Convention;

(c) to establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;

(d) to elect the Members to be represented on the Council, as provided in Article 17, and on the Maritime Safety Committee as provided in Article 28;

(e) to receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;

(f) to vote the budget and determine the financial arrangements of the Organization, in accordance with Part IX;

(g) to review the expenditures and approve the accounts of the Organization;

(h) to perform the functions of the Organization, provided that in matters relating to Article 3 (a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;

(i) to recommend to Members for adoption regulations concerning maritime safety, or amendments to such regulations, which have been referred to it by the Maritime Safety Committee through the Council;

(j) to refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (i) of this Article shall not be delegated.

PART VI

The Council

Article 17

The Council shall consist of sixteen Members and shall be composed as follows:

(a) six shall be governments of the nations with the largest interest in providing international shipping services;

(b) six shall be governments of other nations with the largest interest in international seaborne trade;

(c) two shall be elected by the Assembly from among the governments of nations having a substantial interest in providing international shipping services; and

(d) two shall be elected by the Assembly from among the governments of nations having a substantial interest in international seaborne trade.

In accordance with the principles set forth in this Article the first Council shall be constituted as provided in Appendix I to the present Convention.

ARTICLE 18

Except as provided in Appendix I to the present Convention, the Council shall determine for the purpose of Article 17 (a), the Members, governments of nations with the largest interest in providing international shipping services, and shall also determine, for the purpose of Article 17 (c), the Members, governments of nations having a substantial interest in providing such services. Such determinations shall be made by a majority vote of the Council including the concurring votes of a majority of the Members represented on the Council under Article 17 (a) and (c). The Council shall further determine for the purpose of Article 17 (b), the Members, governments of nations with the largest interest in international seaborne trade. Each Council shall make these determinations at a reasonable time before each regular session of the Assembly.

ARTICLE 19

Members represented on the Council in accordance with Article 17 shall hold office until the end of the next regular session of the Assembly. Members shall be eligible for re-election.

ARTICLE 20

(a) The Council shall elect its Chairman and adopt its own rules of procedure except as otherwise provided in the Convention.

(b) Twelve members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than four of its members. It shall meet at such places as may be convenient.

ARTICLE 21

The Council shall invite any Member to participate, without vote, in its deliberations on any matter of particular concern to that Member.

ARTICLE 22

(a) The Council shall receive the recommendations and reports of the Maritime Safety Committee and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(b) Matters within the scope of Article 29 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee thereon.

ARTICLE 23

The Council, with the approval of the Assembly, shall appoint the Secretary-General. The Council shall also make provision for the appointment of such other personnel as may be necessary, and determine the terms and conditions of service of the Secretary-General and other personnel, which terms and conditions shall conform as far as possible with those of the United Nations and its Specialized Agencies.

ARTICLE 24

The Council shall make a report to the Assembly at each regular session on the work of the Organization since the previous regular session of the Assembly.

ARTICLE 25

The Council shall submit to the Assembly the budget estimates and the financial statements of the Organization, together with its comments and recommendations.

ARTICLE 26

The Council may enter into agreements or arrangements covering the relationship of the Organization with other organizations, as provided for in Part XII. Such agreements or arrangements shall be subject to approval by the Assembly.

ARTICLE 27

Between sessions of the Assembly, the Council shall perform all the functions of the Organization, except the function of making recommendations under Article 16 (i).

PART VII

Maritime Safety Committee

ARTICLE 28

(a) The Maritime Safety Committee shall consist of fourteen Members elected by the Assembly from the Members, governments of those nations having an important interest in maritime safety, of which not less than eight shall be the largest ship-owning nations, and the remainder shall be elected so as to ensure adequate representation of Members, governments of other nations with an important interest in maritime safety, such as nations interested in the supply of large numbers of crews or in the carriage of large numbers of berthed and unberthed passengers, and of major geographical areas.

(b) Members shall be elected for a term of four years and shall be eligible for re-election.

ARTICLE 29

(a) The Maritime Safety Committee shall have the duty of considering any matter within the scope of the Organization and concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation, salvage and rescue, and any other matters directly affecting maritime safety.

(b) The Maritime Safety Committee shall provide machinery for performing any duties assigned to it by the Convention, or by the Assembly, or any duty within the scope of this Article which may be assigned to it by any other intergovernmental instrument.

(c) Having regard to the provisions of Part XII, the Maritime Safety Committee shall have the duty of maintaining such close relationship with other intergovernmental bodies concerned with transport and communications as may further the object of the Organization in promoting maritime safety and facilitate the coordination of activities in the fields of shipping, aviation, telecommunications and meteorology with respect to safety and rescue.

ARTICLE 30

The Maritime Safety Committee, through the Council, shall:

(a) submit to the Assembly at its regular sessions proposals made by Members for safety regulations or for amendments to existing safety regulations, together with its comments or recommendations thereon;

(b) report to the Assembly on the work of the Maritime Safety Committee since the previous regular session of the Assembly.

ARTICLE 31

The Maritime Safety Committee shall meet once a year and at other times upon request of any five of its members. It shall elect its officers once a year and shall adopt its own rules of procedure. A majority of its members shall constitute a quorum.

ARTICLE 32

The Maritime Safety Committee shall invite any Member to participate, without vote, in its deliberations on any matter of particular concern to that Member.

PART VIII

The Secretariat

ARTICLE 33

The Secretariat shall comprise the Secretary-General, a Secretary of the Maritime Safety Committee and such staff as the Organization may require. The Secretary-General shall be the chief administrative officer of the Organization, and shall, subject to the provisions of Article 23, appoint the above-mentioned personnel.

ARTICLE 34

The Secretariat shall maintain all such records as may be necessary for the efficient discharge of the functions of the Organization and shall prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Council, the Maritime Safety Committee, and such subsidiary organs as the Organization may establish.

ARTICLE 35

The Secretary-General shall prepare and submit to the Council the financial statements for each year and the budget estimates on a biennial basis, with the estimates for each year shown separately.

ARTICLE 36

The Secretary-General shall keep Members informed with respect to the activities of the Organization. Each Member may appoint one or more representatives for the purpose of communication with the Secretary-General.

ARTICLE 37

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Member on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 38

The Secretary-General shall perform such other tasks as may be assigned to him by the Convention, the Assembly, the Council and the Maritime Safety Committee.

PART IX

Finances

Article 39

Each Member shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Council, the Maritime Safety Committee, other committees and subsidiary bodies.

Article 40

The Council shall consider the financial statements and budget estimates prepared by the Secretary-General and submit them to the Assembly with its comments and recommendations.

Article 41

(a) Subject to any agreement between the Organization and the United Nations, the Assembly shall review and approve the budget estimates.

(b) The Assembly shall apportion the expenses among the Members in accordance with a scale to be fixed by it after consideration of the proposals of the Council thereon.

Article 42

Any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due, shall have no vote in the Assembly, the Council, or the Maritime Safety Committee unless the Assembly, at its discretion, waives this provision.

PART X

Voting

Article 43

The following provisions shall apply to voting in the Assembly, the Council and the Maritime Safety Committee:

(a) Each Member shall have one vote.

(b) Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, or the Maritime Safety Committee, decisions of these organs shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.

(c) For the purpose of the Convention, the phrase "Members present and voting" means "Members present and casting an affirmative or negative vote". Members which abstain from voting shall be considered as not voting.

PART XI

Headquarters of the Organization

Article 44

(a) The headquarters of the Organization shall be established in London.

(b) The Assembly may by a two-thirds majority vote change the site of the headquarters if necessary.

(c) The Assembly may hold sessions in any place other than the headquarters if the Council deems it necessary.

PART XII

Relationship with the United Nations and other Organizations

Article 45

The Organization shall be brought into relationship with the United Nations in accordance with Article 57 of the Charter of the United Nations as the Specialized Agency in the field of shipping. This relationship shall be effected through an agreement with the United Nations under Article 63 of the Charter of the United Nations, which agreement shall be concluded as provided in Article 26.

Article 46

The Organization shall co-operate with any Specialized Agency of the United Nations in matters which may be the common concern of the Organization and of such Specialized Agency, and shall consider such matters and act with respect to them in accord with such Specialized Agency.

Article 47

The Organization may, on matters within its scope, co-operate with other inter-governmental organizations which are not Specialized Agencies of the United Nations, but whose interests and activities are related to the purposes of the Organization.

Article 48

The Organization may, on matters within its scope, make suitable arrangements for consultation and co-operation with non-governmental international organizations.

Article 49

Subject to approval by a two-thirds majority vote of the Assembly, the Organization may take over from any other international organizations, governmental or non-governmental, such functions, resources and obligations within the scope of the Organization as may be transferred to the Organization by international agreements or by mutually acceptable arrangements entered into between competent authorities of the respective organizations.

Similarly, the Organization may take over any administrative functions which are within its scope and which have been entrusted to a government under the terms of any international instrument.

PART XIII

Legal Capacity, Privileges and Immunities

Article 50

The legal capacity, privileges and immunities to be accorded to, or in connection with, the Organization, shall be derived from and governed by the General Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st November, 1947, subject to such modifications as may be set forth in the final (or revised) text of the Annex approved by the Organization in accordance with Sections 38 and 38 of the said General Convention.

Article 51

Pending its accession to the said General Convention in respect of the Organization, each Member undertakes to apply the provisions of Appendix II to the present Convention.

PART XIV

Amendments

Article 52

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly, including the concurring votes of a majority of the Members represented on the Council. Twelve months after its acceptance by two-thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members except those which, before it comes into force, make a declaration that they do not accept the amendment. The Assembly may by a two-thirds majority vote determine at the time of its adoption that an amendment is of such a nature that any Member which has made such a declaration and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a party to the Convention.

Article 53

Any amendment adopted under Article 52 shall be deposited with the Secretary-General of the United Nations, who will immediately forward a copy of the amendment to all Members.

Article 54

A declaration or acceptance under Article 52 shall be made by the communication of an instrument to the Secretary-General for deposit with the Secretary-General of the United Nations. The Secretary-General will notify Members of the receipt of any such instrument and of the date when the amendment enters into force.

PART XV

Interpretation

Article 55

Any question or dispute concerning the interpretation or application of the Convention shall be referred for settlement to the Assembly, or shall be settled in such other manner as the parties to the dispute agree. Nothing in this Article shall preclude the Council or the Maritime Safety Committee from settling any such question or dispute that may arise during the exercise of their functions.

Article 56

Any legal question which cannot be settled as provided in Article 55 shall be referred by the Organization to the International Court of Justice for an advisory opinion in accordance with Article 96 of the Charter of the United Nations.

PART XVI

Miscellaneous Provisions

Article 57

Signature and Acceptance

Subject to the provisions of Part III the present Convention shall remain open for signature or acceptance and States may become parties to the Convention by:

(a) Signature without reservation as to acceptance;

(b) Signature subject to acceptance followed by acceptance;

or

(c) Acceptance.

Acceptance shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Article 58

Territories

(a) Members may make a declaration at any time that their participation in the Convention includes all or a group or a single one of the territories for whose international relations they are responsible.

(b) The Convention does not apply to territories for whose international relations Members are responsible unless a declaration to that effect has been made on their behalf under the provisions of paragraph (a) of this Article.

(c) A declaration made under paragraph (a) of this Article shall be communicated to the Secretary-General of the United Nations and a copy of it will be forwarded by him to all States invited to the United Nations Maritime Conference and to such other States as may have become Members.

(d) In cases where under a trusteeship agreement the United Nations is the administering authority, the United Nations may accept the Convention on behalf of one, several, or all of the trust territories in accordance with the procedure set forth in Article 57.

Article 59

Withdrawal

(a) Any Member may withdraw from the Organization by written notification given to the Secretary-General of the United Nations, who will immediately inform the other Members and the Secretary-General of the Organization of such notification. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force. The withdrawal shall take effect upon the expiration of twelve months from the date on which such written notification is received by the Secretary-General of the United Nations.

(b) The application of the Convention to a territory or group of territories under Article 58 may at any time be terminated by written notification given to the Secretary-General of the United Nations by the Member responsible for its international relations or, in the case of a trust territory of which the United Nations is the administering authority, by the United Nations. The Secretary-General of the United Nations will immediately inform all Members and the Secretary-General of the Organization of such notification. The notification shall take effect upon the expiration of twelve months from the date on which it is received by the Secretary-General of the United Nations.

PART XVII

Entry into Force

Article 60

The present Convention shall enter into force on the date when 21 States of which 7 shall each have a total tonnage of not less than 1,000,000 gross tons of shipping, have become parties to the Convention in accordance with Article 57.

ARTICLE 61

The Secretary-General of the United Nations will inform all States invited to the United Nations Maritime Conference and such other States as may have become Members, of the date when each State becomes party to the Convention, and also of the date on which the Convention enters into force.

ARTICLE 62

The present Convention, of which the English, French and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who will transmit certified copies thereof to each of the States invited to the United Nations Maritime Conference and to such other States as may have become Members.

ARTICLE 63

The United Nations is authorized to effect registration of the Convention as soon as it comes into force.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

Done at Geneva this sixth day of March 1948

APPENDIX I
(Referred to in Article 17)

Composition of the First Council

In accordance with the principles set forth in Article 17 the first Council shall be constituted as follows:

(a) The six Members under Article 17 (a) being

Greece	Sweden
Netherlands	United Kingdom
Norway	United States

(b) The six Members under Article 17 (b) being

Argentina	Canada
Australia	France
Belgium	India

(c) Two Members to be elected by the Assembly under Article 17 (c) from a panel nominated by the six Members named in paragraph (a) of this Appendix.

(d) Two Members elected by the Assembly under Article 17 (d) from among the Members having a substantial interest in international seaborne trade.

APPENDIX II
(referred to in Article 51)

Legal Capacity, Privileges and Immunities

The following provisions on legal capacity, privileges and immunities shall be applied by Members to, or in connection with, the Organization pending their accession to the General Convention on Privileges and Immunities of Specialized Agencies in respect of the Organization.

Section 1. The Organization shall enjoy in the territory of each of its Members such legal capacity as is necessary for the fulfilment of its purposes and the exercise of its functions.

Section 2. (a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and the exercise of its functions.

(b) Representatives of Members including alternates and advisers, and officials and employees of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Section 3. In applying the provisions of Sections 1 and 2 of this Appendix, the Members shall take into account as far as possible the standard clauses of the General Convention on the Privileges and Immunities of the Specialized Agencies.

Amendments to the Convention on the Intergovernmental Maritime Consultative Organization, London, 1964

Done at London 28 September 1964

Entered into force 6 October 1967

Primary source citation: 18 UST 1299, TIAS 6285

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION
IMCO
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Telephone: CHANCERY 2156

RESOLUTION A.69(ES.II)
adopted on 15 September 1964

THE ASSEMBLY,

RECOGNIZING the need

(i) To increase the number of members on the Council,

(ii) To have all members of the Council elected by the Assembly,

(iii) To have equitable geographic representation of Member States on the Council, and

CONSEQUENTLY HAVING ADOPTED, at the second extraordinary session of the Assembly held in London on 10–15 September 1964, the amendments, the texts of which are contained in the Annex to this Resolution, to Articles 17 and 18 of the Convention on the Inter-Governmental Maritime Consultative Organization,

DECIDES to postpone consideration of the proposed amendment to Article 28 of the Convention on the Inter-Governmental Maritime Consultative Organization to the next session of the Assembly in 1965,

DETERMINES, in accordance with the provisions of Article 52 of the Convention, that each amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention,

REQUESTS the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendments in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

INVITES the Member Governments to accept each adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

ANNEX

1. The existing text of Article 17 of the Convention is replaced by the following:

   The Council shall be composed of eighteen members elected by the Assembly.

2. The existing text of Article 18 of the Convention is replaced by the following:

   In electing the members of the Council, the Assembly shall observe the following principles:

   (a) six shall be governments of States with the largest interest in providing international shipping services;

   (b) six shall be governments of other States with the largest interest in international seaborne trade;

   (c) six shall be governments of States not elected under (a) or (b) above, which have special interests in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic areas of the world.

Certified a true copy
of Assembly Resolution A.69(ES.II)
of 15 September 1964 and of its
Annex

Jean Roullier
Secretary-General
of the Inter-Governmental Maritime
Consultative Organization

22 September 1964

Amendment to the Convention on the Intergovernmental Maritime Consultative Organization, Paris, 1965

Done at Paris 28 September 1965

Entered into force 3 November 1968

Primary source citation: 19 UST 4855, TIAS 6490

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RESOLUTION A.70(IV)
adopted on 28 September 1965

THE ASSEMBLY,

RECOGNIZING the need to increase the number of members of the Maritime Safety Committee and to modify their method of election,

CONSEQUENTLY HAVING ADOPTED, at the fourth regular session of the Assembly, an amendment, the text of which is contained in the Annex to this Resolution, to Article 28 of the Convention on the Inter-Governmental Maritime Consultative Organization,

DETERMINES, in accordance with the provisions of Article 52 of the Convention, that the amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention,

REQUESTS the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendment in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

INVITES the Member Governments to accept the adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

ANNEX

The existing text of Article 28 of the Convention is replaced by the following:

The Maritime Safety Committee shall consist of sixteen members elected by the Assembly from members, Governments of those States having an important interest in maritime safety of which:

(a) Eight members shall be elected from among the ten largest shipowning States.

(b) Four members shall be elected in such manner as to ensure that, under this subparagraph, a State in each of the following areas is represented:

I. Africa

II. The Americas

III. Asia and Oceania

IV. Europe.

(c) The remaining four members shall be elected from among States not otherwise represented on the Committee.

For the purpose of this Article, States having an important interest in maritime safety shall include, for example, States interested in the supply of large numbers of crews or in the carriage of large numbers of berthed or unberthed passengers.

Members of the Maritime Safety Committee shall be elected for a term of four years and shall be eligible for re-election.

Certified a true copy
of Assembly Resolution A.70(IV)
of 28 September 1965 and of its
Annex

E.C.V. GOAD
Acting Secretary-General
of the Inter-Governmental Maritime
Consultative Organization

22 October 1965

Amendments to the Convention on the Intergovernmental Maritime Consultative Organization, London, 1974

Done at London 17 October 1974

Entered into force 1 April 1978

Primary source citation: 28 UST 4607, TIAS 8606

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

IMCO

RESOLUTION A.315(ES.V)
adopted on 17 October 1974

AMENDMENTS TO THE IMCO CONVENTION

The Assembly,

RECALLING Resolution A.69(ES.II) by which it adopted amendments to the IMCO Convention increasing the membership of the Council and Resolution A.70(IV) by which amendments were adopted to the IMCO Convention to increase the number of members in the Maritime Safety Committee and to modify the method of their election,

NOTING AND WELCOMING the increase in the membership of the Organization since these amendments were adopted,

RECOGNIZING the need to ensure at all times that the principal organs of the Organization are representative of the total membership of the Organization and ensure equitable geographic representation of Member States on the Council,

RECALLING its Resolution A.314(VIII) by which it decided to convene an Ad Hoc Working Group to study proposed amendments to the IMCO Convention concerning the size and composition of the Council and the Maritime Safety Committee and any consequential related amendments,

HAVING CONSIDERED the Report of the Ad Hoc Working Group, including the Working Group's recommendations on proposed amendments to the IMCO Convention,

HAVING ADOPTED at the fifth extraordinary session of the Assembly held in London from 16 to 18 October 1974, amendments, the texts of which are contained in the Annex to this Resolution, to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention on the Inter-Governmental Maritime Consultative Organization,

HAVING DETERMINED, in accordance with the provisions of Article 52 of the Convention, that these amendments are of such a nature that any Member which hereafter declares that it does not accept the amendments and which does not accept the amendments within a period of twelve months after the amendments come into force shall, upon the expiration of this period, cease to be a Party to the Convention,

REQUESTS the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 53 of the IMCO Convention and to receive declarations and instruments of acceptance as provided for in Article 54,

INVITES the Member Governments to accept each amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations by communicating the appropriate instrument of acceptance to the Secretary-General.

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Article 10

The existing text is replaced by the following:

An Associate Member shall have the rights and obligations of a Member under the Convention except that it shall not have the right to vote or be eligible for membership on the Council and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

Article 16

The existing text of paragraph (d) is replaced by the following:

(d) To elect the Members to be represented on the Council as provided in Article 17.

Article 17

The existing text is replaced by the following:

The Council shall be composed of twenty-four Members elected by the Assembly.

Article 18

The existing text is replaced by the following:

In electing the Members of the Council, the Assembly shall observe the following criteria:

(a) Six shall be States with the largest interest in providing international shipping services;

(b) Six shall be other States with the largest interest in international seaborne trade;

(c) Twelve shall be States not elected under (a) or (b) above, which have special interests in maritime transport or navigation, and whose election to the Council will ensure the representation of all major geographic areas of the world.

Article 20

The existing text is replaced by the following:

(a) The Council shall elect its Chairman and adopt its own Rules of Procedure except as otherwise provided in the Convention.

(b) Sixteen Members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than four of its Members. It shall meet at such places as may be convenient.

Article 28

The existing text is replaced by the following:

The Maritime Safety Committee shall consist of all the Members.

Article 31

The existing text is replaced by the following:

The Maritime Safety Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own Rules of Procedure.

Article 32

This Article is deleted.

Articles 33 through 63 are renumbered accordingly.

of the United Nations or by any other inter-governmental organization or upon matters referred to it under Article 1(d);

(b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to inter-governmental organizations, and convene such conferences as may be necessary;

(c) Provide machinery for consultation among Members and the exchange of information among Governments;

(d) Perform functions arising in connexion with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it under international instruments relating to maritime matters.

Article 12

The existing text is replaced by the following:

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

Article 16

The existing text is replaced by the following:

The functions of the Assembly shall be:

(a) To elect at each regular session from among its Members, other than Associate Members, its President and two Vice Presidents who shall hold office until the next regular session;

(b) To determine its own Rules of Procedure except as otherwise provided in the Convention;

(c) To establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;

(d) To elect the Members to be represented on the Council as provided in Article 18;

(e) To receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;

(f) To approve the work programme of the Organization;

(g) To vote the budget and determine the financial arrangements of the Organization, in accordance with Part XI;

(h) To review the expenditures and approve the accounts of the Organization;

(i) To perform the functions of the Organization, provided that in matters relating to Article 3(a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;

(j) To recommend to Members for adoption regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships or amendments to such regulations and guidelines which have been referred to it;

(k) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international

conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or other organs of the Organization;

(l) To refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (j) of this Article shall not be delegated.

Article 22

(i) A new paragraph (a) is added as follows:

(a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.

(ii) Existing paragraph (a) is renumbered as paragraph (b) and the existing text is replaced by the following:

(b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee and the Marine Environment Protection Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(iii) The existing paragraph (b) is renumbered as paragraph (c) and the existing text is replaced by the following:

(c) Matters within the scope of Articles 29, 34 and 39 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee or the Marine Environment Protection Committee, as may be appropriate.

Article 24

The existing text is replaced by the following:

The Council shall make a report to the Assembly at each regular session on the work performed by the Organization since the previous regular session of the Assembly.

Article 25

The existing text is replaced by the following:

The Council shall submit to the Assembly financial statements of the Organization, together with the Council's comments and recommendations.

Article 26

(i) The existing text is renumbered as paragraph (a) and the Part referred to therein is changed to PART XIV.

(ii) A new paragraph (b) is added as follows:

(b) Having regard to the provisions of Part XIV and to the relations maintained with other bodies by the respective Committees under Articles 29, 34 and 39, the Council shall, between sessions of the Assembly, be responsible for relations with other organizations.

Article 27

The existing text is replaced by the following:

Between sessions of the Assembly, the Council shall perform all the functions of the Organization, except the function of making recommendations under Article 16(j). In particular, the Council shall coordinate the activities of the organs of the Organization and may make such adjustments in the work programme as are strictly necessary to ensure the efficient functioning of the Organization.

Article 29

The existing text is replaced by the following:

(a) The Maritime Safety Committee shall consider any matter within the scope of the Organization concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation salvage and rescue, and any other matters directly affecting maritime safety.

(b) The Maritime Safety Committee shall provide machinery for performing any duties assigned to it by this Convention, the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(c) Having regard to the provisions of Article 26, the Maritime Safety Committee, upon request by the Council or if it deems such action useful in the interests of its own work, shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 30

The existing text is replaced by the following:

The Maritime Safety Commission shall submit to the Council:

(a) Proposals for safety regulations or for amendments to safety regulations which the Committee has developed;

(b) Recommendations and guidelines which the Committee has developed;

(c) A report on the work of the Committee since the previous session of the Council.

New Article 32

A new Article 32 is added at the end of PART VII, as follows:

Notwithstanding anything to the contrary in this Convention but subject to the provisions of Article 28, the Maritime Safety Committee when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedure to be followed.

New Parts (VIII) and (IX)

New PARTS (VIII and IX) are added after the existing PART VII as follows:

PART VIII—LEGAL COMMITTEE

Article 33

The Legal Committee shall consist of all the Members.

Article 34

(a) The Legal Committee shall consider any legal matters within the scope of the Organization.

(b) The Legal Committee shall take all necessary steps to perform any duties assigned to it by this Convention or by the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(c) Having regard so the provisions of Article 26, the Legal Committee, upon request by the Council or, if it deems such action useful in the interests of its own work shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 35

The Legal Committee shall submit to the Council:

(a) drafts of international conventions and of amendments to international conventions which the Committee has developed;

(b) a report on the work of the Committee since the previous session of the Council.

Article 36

The Legal Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own Rules of Procedure.

Article 37

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 33, the Legal Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed:

PART IX—THE MARINE ENVIRONMENT PROTECTION COMMITTEE

Article 38

The Marine Environment Protection Committee shall consist of all the Members.

Article 39

The Marine Environment Protection Committee shall consider any matter within the scope of the Organization concerned with the prevention and control of marine pollution from ships and in particular shall:

(a) perform such functions as are or may be conferred upon the Organization by or under international conventions for the prevention and control of marine pollution from ships, particularly with respect to the adoption and amendment of regulations or other provisions, as provided for in such conventions;

(b) consider appropriate measures to facilitate the enforcement of the conventions referred to in paragraph (a) above;

(c) provide for the acquisition of scientific, technical and any other practical information on the prevention and control of marine pollution from ships for dissemination to States, in particular to developing countries and, where appropriate, make recommendations and develop guidelines;

(d) promote co-operation with regional organizations concerned with the prevention and control of marine pollution from ships, having regard to the provisions of Article 26;

(e) consider and take appropriate action with respect to any other matters falling within the scope of the Organization which would contribute to the prevention and control of marine pollution from ships including co-operation on environmental matters with other international organizations, having regard to the provisions of Article 26.

Article 40

The Marine Environmental Protection Committee shall submit to the Council:

(a) proposals for regulations for the prevention and control of marine pollution from ships and for amendments to such regulations which the Committee has developed;

(b) recommendations and guidelines which the Committee has developed;

(c) a report on the work of the Committee since the previous session of the Council.

Article 41

The Marine Environment Protection Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own Rules of Procedure.

Article 42

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 38, the Marine Environment Protection Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed.

The existing PARTS VIII through XVII are re-numbered accordingly as PARTS X through XIX.

The existing Articles 33 through 63 are renumbered accordingly as Articles 43 through 73.

Article 33 (renumbered as Article 43)

The existing text is replaced by the following:

The Secretariat shall comprise the Secretary-General and such other personnel as the Organization may require. The Secretary-General shall be the chief administrative officer of the Organization and shall, subject to the provisions of Article 23, appoint the above-mentioned personnel.

Article 34 (renumbered as Article 44)

The existing text is replaced by the following:

The Secretariat shall maintain all such records as may be necessary for the efficient discharge of the functions of the Organization and shall prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Organization.

Article 38 (renumbered as Article 48)

The existing text is replaced by the following:

The Secretary-General shall assume any other functions which may be assigned to him by the Convention, the Assembly or the Council.

Article 39 (renumbered as Article 49)

The existing text is replaced by the following:

Each member shall bear the salary, travel and other expenses of its own delegation to the meetings held by the Organization.

Article 42 (renumbered as Article 52)

The existing text is replaced by the following:

Any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due, shall have no vote in the Assembly, the Council, the Maritime Safety Committee, the Legal

Committee or the Marine Environment Protection Committee unless the Assembly, at its discretion, waives this provision.

Article 43 (renumbered as Article 53)

The existing text is replaced by the following:

Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, the Maritime Safety Committee, the Legal Committee or the Marine Environment Protection Committee, the following provisions shall apply to voting in these organs:

(a) Each Member shall have one vote.

(b) Decisions shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.

(c) For the purpose of the Convention, the phrase "Members present and voting" means "Members present and casting an affirmative or negative vote". Members which abstain from voting shall be considered as not voting.

Article 52 (renumbered as Article 62)

The existing text is replaced by the following:

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly. Twelve months after its acceptance by two-thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members except those which, before it comes into force, make a declaration that they do not accept the amendment. The Assembly may by a two-thirds majority vote determine at the time of its adoption that an amendment is of such a nature that any Member which has made such a declaration and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a party to the Convention.

Article 55 (renumbered as Article 65)

The existing text is replaced by the following:

Any question or dispute concerning the interpretation or application of the Convention shall be referred to the Assembly for settlement, or shall be settled in such other manner as the parties to the dispute may agree. Nothing in this Article shall preclude any organ of the Organization from settling any such question or dispute that may arise during the exercise of its functions.

The Articles referred to in the following Articles are changed as follows:

Article 6: The reference to Article 57 is changed to Article 67

Article 7: The reference to Article 57 is changed to Article 67

Article 8: The reference to Article 57 is changed to Article 67

Article 9: The reference to Article 58 is changed to Article 68

Articles 53 and 54 (renumbered as Articles 63 and 64): The references to Article 52 are changed to Article 62

Article 56 (renumbered as Article 66): The reference to Article 55 is changed to Article 65

Article 58 (renumbered as Article 68): The reference in paragraph (d) to Article 57 is changed to Article 67.

Article 59 (renumbered as Article 69): The reference in paragraph (b) to Article 58 is changed to Article 68

Article 60 (renumbered as Article 70): The reference to Article 57 is changed to Article 67.

Amendments to the Convention on the Intergovernmental Maritime Consultative Organization, London, 1977

Done at London 17 November 1977

Entered into force 10 November 1984

Primary source citation: TIAS 11094

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

ASSEMBLY – 10th session
Agenda items 13(a) and 13(b)

IMCO

RESOLUTION A.400(X)

adopted on 17 November 1977

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

THE ASSEMBLY,

RECALLING Resolution A.360(IX) of its ninth session by which it decided to take the necessary steps at the tenth regular session to adopt amendments to the IMCO Convention in order to institutionalize the Committee on Technical Co-operation on the IMCO Convention,

RECALLING FURTHER Resolution A.359(IX) of the same ninth session by which it decided to convene in 1977 an Ad Hoc Working Group open to all Member Governments of the Organization to study and submit to the tenth regular session of the Assembly proposals for amending Articles 2, 40 and 52 of the IMCO Convention, proposals for amending the Convention in order to institutionalize the Committee on Technical Co-operation and any other proposals for amending the Convention which may be submitted by Members,

HAVING CONSIDERED the Report of the Ad Hoc Working Group, including the Working Group's recommendations on proposed amendments to the IMCO Convention,

HAVING CONSIDERED ALSO further proposals for amending the IMCO Convention submitted by the Government of the United States of America,

RECALLING the amendments it adopted by Resolution A.358(IX) at the ninth regular session held in November 1975,

HAVING ADOPTED at its tenth regular session, held in London from 7 to 17 November 1977, amendments to the Convention on the Inter-Governmental Maritime Consultative Organization, the texts of which are contained in the Annex to this Resolution, consisting of:

(a) the deletion of Article 2;

(b) the addition of a new Part (PART X) consisting of new Articles 42 to 46;

(c) consequential amendments to Articles 3, 12, 16, 22, 26, 42 and 43;

(d) other amendments to Articles 1, 3, 45 and 52;

(e) consequential renumbering of Parts VIII to XVII (renumbered X to XIX pursuant to Resolution A.358(IX));

(f) consequential renumbering of Articles 3 to 31;

(g) consequential renumbering of Articles 33 to 63 (renumbered 43 to 73 pursuant to Resolution A. 358(IX));

(h) consequential changes to the references to Articles in the following Articles:

(i) 6, 7, 8, 9, 19, 27, 29, 33, 53, 54, 56, 58, 59 and 60;

(ii) 32, 34, 37, 39 and 42 (added by Resolution A.358(IX));

(i) a consequential change to the number of the Article referred to in Appendix II,

REQUESTS the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 53 of the IMCO Convention and to receive instruments of acceptance and declarations as provided for in Article 54,

INVITES Member Governments to accept these amendments at the earliest possible date after receiving copies thereof by communicating the appropriate instrument of acceptance to the Secretary-General in accordance with Article 54 of the Convention.

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Article 1

(i) The text of paragraph (a) is replaced by the following:

To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships; and to deal with administrative and legal matters related to the purposes set out in this Article;

(ii) The text of paragraph (d) is replaced by the following:

To provide for the consideration by the Organization of any matters concerning shipping and the effect of shipping on the marine environment that may be referred to it by any organ or specialized agency of the United Nations;

Article 2

The text is deleted.

Articles 3 to 31 are renumbered Articles 2 to 30.

Article 3 (renumbered as Article 2)

The text is replaced by the following:

In order to achieve the purposes set out in Part 1, the Organization shall:

(a) Subject to the provisions of Article 3, consider and make recommendations upon matters arising under Article 1(a), (b) and (c) that may be remitted to it by Members, by any organ or specialized agency of the United Nations or by any other inter-governmental organization or upon matters referred to it under Article 1(d);

(b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to inter-governmental organizations, and convene such conferences as may be necessary;

(c) Provide machinery for consultation among Members and the exchange of information among Governments;

(d) Perform functions arising in connection with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it by or under international instruments relating to maritime matters and the effect of shipping on the marine environment;

(e) Facilitate as necessary, and in accordance with Part X, technical co-operation within the scope of the Organization.

Article 12 (renumbered as Article 11)

The text is replaced by the following:

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee, a Technical Co-operation Committee and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

Article 16 (renumbered as Article 15)

The text is replaced by the following:

The functions of the Assembly shall be:

(a) To elect at each regular session from among its Members, other than Associate Members, its President and two Vice-Presidents who shall hold office until the next regular session;

(b) To determine its own Rules of Procedure except as otherwise provided in the Convention;

(c) To establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;

(d) To elect the Members to be represented on the Council as provided in Article 17;

(e) To receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;

(f) To approve the work programme of the Organization;

(g) To vote the budget and determine the financial arrangements of the Organization, in accordance with Part XII;

(h) To review the expenditures and approve the accounts of the Organization;

(i) To perform the functions of the Organization, provided that in matters relating to Article 2(a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;

(j) To recommend to Members for adoption regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment assigned to the Organization by or under international instruments, or amendments to such regulations and guidelines which have been referred to it;

(k) To take such action as it may deem appropriate to promote technical co-operation in accordance with Article 2(e), taking into account the special needs of developing countries;

(l) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, or other organs of the Organization;

(m) To refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (j) of this Article shall not be delegated.

Article 22 (renumbered as Article 21)

The text is replaced by the following:

(a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.

(b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(c) Matters within the scope of Articles 28, 33, 38 and 43 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or the Technical Co-operation Committee, as may be appropriate.

Article 26 (renumbered Article 25)

The text is replaced by the following:

(a) The Council may enter into agreements or arrangements covering the relationship of the Organization with other organizations, as provided for in Part XV. Such agreements or arrangements shall be subject to approval by the Assembly.

(b) Having regard to the provisions of Part XV and to the relations maintained with other bodies by the respective Committees under Articles 28, 33, 38 and 43, the Council shall, between sessions of the Assembly, be responsible for relations with other organizations.

New Articles 32 to 42 (added pursuant to Res.A.315(ES.V) and Res.A.358(IX)).

These Articles are renumbered as Articles 31 to 41.

Article 29(c) adopted by Resolution A.358(IX) (to be renumbered as Article 28(c)) is amended by the inclusion of a reference to the Assembly.

Article 34(c) adopted by Resolution A.358(IX) (to be renumbered as Article 33(c)) is amended by the inclusion of a reference to the Assembly.

New Part X

A new Part X, consisting of new Articles 42-46, is added after Parts VIII and IX (added by Res.A. 358(IX)) as follows:

PART X

Technical Co-operation Committee

Article 42

The Technical Co-operation Committee shall consist of all the Members.

Article 43

(a) The Technical Co-operation Committee shall consider, as appropriate, any matter within the scope of the Organization concerned with the implementation of technical co-operation projects funded by the relevant United Nations programme for which the Organization acts as the executing or co-operating agency or by funds-in-trust voluntarily provided to the Organization, and any other matters related to the Organization's activities in the technical co-operation field.

(b) The Technical Co-operation Committee shall keep under review the work of the Secretariat concerning technical co-operation.

(c) The Technical Co-operation Committee shall perform those functions assigned to it by this Convention or by the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(d) Having regard to the provisions of Article 25, the Technical Co-operation Committee, upon request by the Assembly and Council or, if it deems such action useful in the interests of its own work, shall maintain such close relationships with other bodies as may further the purposes of the Organization.

Article 44

The Technical Co-operation Committee shall submit to the Council:

(a) Recommendations which the Committee has developed;

(b) A report on the work of the Committee since the previous session of the Council.

Article 45

The Technical Co-operation Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own rules of procedure.

Article 46

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 42, the Technical Co-operation Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed.

Parts VIII to XVII (renumbered X to XIX pursuant to Res.A.358(IX)) are renumbered Parts XI to XX.

Articles 33 to 63 (renumbered 43 to 73 pursuant to Res.A.315(ES.V) and Res.358(IX)) are renumbered Articles 47 to 77.

Article 42 (renumbered as Article 41 by Res.A.315(ES.V) and Article 52 by Res.A.358(IX)) is renumbered as Article 56 and replaced by the following text:

Any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due, shall have no vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee or the Technical Co-operation Committee unless the Assembly, at its discretion, waives this provision.

Article 43 (renumbered as Article 42 by Res.A.315(ES.V) and Article 53 by Res.A.358(IX)) is renumbered as Article 57 and replaced by the following text:

Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or the Technical Co-operation Committee, the following provisions shall apply to voting in these organs:

(a) Each Member shall have one vote.

(b) Decisions shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.

(c) For the purpose of the Convention, the phrase "Members present and voting" means "Members present and casting an affirmative or negative vote". Members which abstain from voting shall be considered as not voting.

Article 45 (renumbered as Article 44 by Res.A.315(ES. V) and Article 55 by Res.A. 358(IX)) is renumbered as Article 59 and replaced by the following text:

The Organization shall be brought into relationship with the United Nations in accordance with Article 57 of the Charter of the United Nations as the specialized agency in the field of shipping and the effect of shipping on the marine environment. This relationship shall be effected through an agreement with the United

Nations under Article 63 of the Charter of the United Nations, which agreement shall be concluded as provided in Article 25.

Article 52 (renumbered as Article 51 by Res.A.315(ES.V) and Article 62 by Res.A.358(IX)) is renumbered as Article 66 and replaced by the following text:

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly. Twelve months after its acceptance by two-thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members.

The Articles referred to in the following Articles are changed as follows:

Article 6 (now renumbered Article 5): the reference to Article 57 is changed to Article 71.

Article 7 (now renumbered Article 6): the reference to Article 57 is changed to Article 71.

Article 8 (now renumbered Article 7): the references to Articles 6, 7 and 57 are changed to Articles 5, 6 and 71.

Article 9 (now renumbered Article 8): the reference to Article 58 is changed to Article 72.

Article 19 (now renumbered Article 18): the reference to Article 17 is changed to Article 16.

Article 27 (now renumbered Article 26): the reference to Article 16(i) is changed to Article 15(j).

Article 29 (amended by Res.A.358(IX), now renumbered Article 28): the reference to Part XII is changed to Article 25.

Article 32 (added by Res.A.358(IX), now renumbered Article 31): the reference to Article 28 is changed to Article 27.

Article 34 (added by Res.A.358(IX), now renumbered Article 33): the reference in paragraph (c) to Article 26 is changed to Article 25.

Article 37 (added by Res.A.358(IX), now renumbered Article 36): the reference to Article 33 is changed to Article 32.

Article 39 (added by Res.A.358(IX), now renumbered Article 38): the references in paragraphs (d) and (e) to Article 26 are changed to Article 25.

Article 42 (added by Res.A.358(IX), now renumbered Article 41): the reference to Article 38 is changed to Article 37.

Article 33 (now renumbered Article 47): the reference to Article 23 is changed to Article 22.

Article 53 (now renumbered Article 67): the reference to Article 52 is changed to Article 66.

Article 54 (now renumbered Article 68): the reference to Article 52 is changed to Article 66.

Article 56 (now renumbered Article 70): the reference to Article 55 is changed to Article 69.

Article 58 (now renumbered Article 72): the reference in paragraph (d) to Article 57 is changed to Article 71.

Article 59 (now renumbered Article 73): the reference in paragraph (b) to Article 58 is changed to Article 72.

Article 60 (now renumbered Article 74): the reference to Article 57 is changed to Article 71.

APPENDIX II

The reference to Article 51 is changed to Article 65.

Amendments to the Convention on the Intergovernmental Maritime Consultative Organization, London, 1979

Done at London 15 November 1979

Entered into force 10 November 1984

Primary source citation: TIAS 11094

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

IMCO

RESOLUTION A.450(XI)
adopted on 15 November 1979

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

THE ASSEMBLY,

RECALLING resolution 4.401(X) adopted at its tenth session by which it decided to convene in 1979 an ad hoc working group open to all Member Governments to study and submit to the Assembly at its eleventh session proposals for amending the Convention on the Inter-Governmental Maritime Consultative Organization, having regard to the submissions presented to the Assembly at its tenth session by the Governments of France, Italy and Nigeria, and other proposals which might bs submitted by Member Governments,

HAVING CONSIDERED the report of the Ad Hoc Working Group including the Working Group's recommendations on proposed amendments to the IMCO Convention,

CONSIDERING that the adoption of the amendments proposed will complete the process of amending the IMCO Convention which was begun at the fifth extraordinary session of the Assembly in 1974,

NOTING WITH SATISFACTION that the needed revisions in the IMCO Convention have all been initiated within the Organization and have been considered in a spirit of goodwill and mutual accommodation and adopted with the general agreement of Members,

1. ADOPTS amendments to Articles 17, 18, 20 and 51 of the Convention on the Inter-Governmental Maritime Consultative Organization, the texts of which are contained in the Annex to the present resolution;

2. REQUESTS the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 52 of the IMCO Convention and to receive instruments of acceptance and declarations as provided for in Article 53 of the Convention;

3. URGES Members, in view of the special importance of these amendments, to take the necessary steps to accept them at the earliest possible date after receiving copies thereof, by communicating the appropriate instruments of acceptance to the Secretary-General in accordance with Article 53 of the Convention.

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The existing text of Article 17 (renumbered as Article 16 under the 1977 amendments) is replaced by the following:

The Council shall be composed of thirty-two Members elected by the Assembly.

The existing text of Article 16 (renumbered as Article 17 under the 1977 amendments) is replaced by the following:

In selecting the Members of the Council, the Assembly shall observe the following criteria:

(a) Eight shall be States with the largest interest in providing international shipping services;

(b) Eight shall be other States with the largest interest in international seaborne trade;

(c) Sixteen shall be States not elected under (a) or (b) above which have special interests in maritime transport or navigation, and whose election to the Council will ensure the representation of all major geographic areas of the world.

The existing text of Article 20 (renumbered as Article 19 under the 1977 amendments) is replaced by the following:

(a) The Council shall elect its Chairman and adopt its own Rules of Procedure except as otherwise provided in the Convention.

(b) Twenty-one Members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than four of its Members. It shall meet at such places as may be convenient.

The existing text of Article 51 (renumbered as Article 66 under the 1977 amendments) is replaced by the following:

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly. Twelve months after its acceptance by two thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members. If within the first 60 days of this period of twelve months a Member gives notification of withdrawal from the Organization on account of an amendment the withdrawal shall, notwithstanding the provisions of Article 58 of the Convention, take effect on the date on which such amendment comes into force.

The International Convention for the Prevention of Pollution of the Sea by Oil, London, 1954

Done at London 12 May 1954

*Entered into force 26 July 1958**

Depositary: International Maritime Organization

Primary source citation: 12 UST 2989, TIAS 4900

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954,

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:–

ARTICLE I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:–

"The Bureau" has the meaning assigned to it by Article XXI;

"Discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.158/53;

"Mile" means a nautical mile of 6080 feet or 1852 metres;

"Oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil, and "oily" shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

* This Convention was superseded by the 1973 International Convention for the Prevention of Pollution from Ships (see page 1834) as modified by the 1978 Protocol (see page 1916) as between Parties to the 1973 Convention.

ARTICLE II

The present Convention shall apply to sea-going ships registered in any of the territories of a Contracting Government, except

(i) ships for the time being used as naval auxiliaries;

(ii) ships of under 500 tons gross tonnage;

(iii) ships for the time being engaged in the whaling industry;

(iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

ARTICLE III

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of–

(*a*) oil;

(*b*) any oily mixture the oil in which fouls the surface of the sea, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:–

(*a*) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(*b*) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

ARTICLE IV

(1) Article III shall not apply to:–

(*a*) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(*b*) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;

(*c*) the discharge of sediment:–

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship:–

(*a*) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;

(*b*) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

ARTICLE VI

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

ARTICLE VII

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

ARTICLE VIII

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

ARTICLE IX

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official logbook or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:–

(*a*) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(*b*) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by–

(i) signature without reservation as to acceptance;

(ii) signature subject to acceptance followed by acceptance; or

(iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2)—(*a*) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(*b*) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)—(*a*) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

ARTICLE XVII

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

ARTICLE XVIII

(1)—(*a*) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(*b*) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2)—(*a*) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

ARTICLE XIX

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

ARTICLE XX

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

ARTICLE XXI

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, and thereafter the duties of the Bureau shall be carried out by the said Organisation.

In witness whereof the under-signed plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

ANNEX A

PROHIBITED ZONES

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:—

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea Zone*

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium
Denmark
the Federal Republic of Germany
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(*c*) *The Atlantic Zone*

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30′ north, longitude 30° west; thence to latitude 44° 20′ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(*d*) *The Australian Zone*

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:—

(*a*) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(*b*) *The North Sea and Atlantic Zones*

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium
Denmark
the Federal Republic of Germany
Ireland
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3)—(*a*) Any Contracting Government may propose:—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B

Form of Oil Record Book

I. For Tankers

DATE OF ENTRY					
(a) Ballasting of and discharge of ballast from cargo tanks					
1. Identity numbers of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast water					
5. Place or position of ship					
6. Approximate amount of oil-contaminated water transferred to slop tank(s)					
7. Identity numbers of slop tank(s)					
(b) Cleaning of cargo tanks					
8. Identity numbers of tank(s) cleaned					
9. Type of oil previously contained in tank(s)					
10. Identity numbers of slop tank(s) to which washings transferred					
11. Dates and times of cleaning					
(c) Settling in slop tank(s) and discharge of water					
12. Identity numbers of slop tank(s)					
13. Period of settling (in hours)					
14. Date and time of discharge of water					
15. Place or position of ship					
16. Approximate quantities of residue					
(d) Disposal from ship of oily residues from slop tank(s) and other sources					
17. Date and method of disposal					
18. Place or position of ship					
19. Sources and approximate quantities					

. . . . . Signature of Officer or Officers in charge of the operations concerned

. . . . . Signature of Master

ANNEX B *continued*

Form of Oil Record Book *continued*

II. For Ships Other Than Tankers

DATE OF ENTRY					
(a) Ballasting, or cleaning during voyage, of bunker fuel tanks					
1. Identity number of tank(s)					
2. Type of oil previously contained in tank(s)					
3. Date and place of ballasting					
4. Date and time of discharge of ballast or washing water					
5. Place or position of ship					
6. Whether separator used: if so, give period of use					
7. Disposal of oily residue retained on board					
(b) Disposal from ship of oily residues from bunker fuel tanks and other sources					
8. Date and method of disposal					
9. Place or position of ship					
10. Sources and approximate quantities					

. . . . . Signature of Officer or Officers in charge of the operations concerned

. . . . . Signature of Master

ANNEX B *continued*

Form of Oil Record Book *continued*

III. For All Ships

DATE OF ENTRY					
Accidental and other exceptional discharges or escapes of oil					
1. Date and time of occurrence					
2. Place or position of ship					
3. Approximate quantity and type of oil					
4. Circumstances of discharge or escape and general remarks					

. . . . . Signature of Officer or Officers in charge of the operations concerned

. . . . . Signature of Master

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, London, 1962

Done at London 11 April 1962

Entered into force 18 May 1967 except for Article XIV which entered into force 28 June 1967

Primary source citation: 17 UST 1523, TIAS 6109

ANNEX

The following are the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954:

1. The existing text of Article I of the Convention is replaced by the following:

Article I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

'The Bureau' has the meaning assigned to it by Article XXI;

'Discharge' in relation to oil or to oily mixture means any discharge or escape howsoever caused;

'Heavy diesel oil' means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.86/59;

'Mile' means a nautical mile of 6,080 feet or 1,852 metres;

'Oil' means crude oil, fuel oil, heavy diesel oil and lubricating oil, and 'oily' shall be construed accordingly;

'Oily mixture' means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

'Organization' means the Inter-Governmental Maritime Consultative Organization;

'Ship' means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and 'tanker' means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under Article XVIII.

2. The existing text of Article II of the Convention is replaced by the following:

Article II

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(*a*) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reasonable and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(*b*) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(*c*) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(*d*) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in subparagraph (*d*) of paragraph (1) of this Article.

3. The existing text of Article III of the Convention is replaced by the following:

Article III

Subject to the provisions of Articles IV and V:

(*a*) the discharge from a tanker to which the present Convention applies, within any of the prohibited zones referred to in Annex A to the Convention, of oil or oily mixture shall be prohibited;

(*b*) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, sub-paragraph (*a*) of this Article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in Article VIII;

(*c*) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in Annex A to the Convention. The reasons for such discharge shall be reported to the Contracting Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

4. The existing text of Article IV of the Convention is replaced by the following:

Article IV

Article III shall not apply to:

(*a*) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;

(*b*) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(*c*) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

5. The existing text of Article V of the Convention is replaced by the following:

Article V

Article III shall not apply to the discharge from the bilges of a ship:

(*a*) during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, of oily mixture;

(*b*) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

6. The existing text of Article VI of the Convention is replaced by the following:

Article VI

(1) Any contravention of Articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

7. The existing text of Article VII of the Convention is replaced by the following:

Article VII

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

8. The existing text of Article VIII of the Convention is replaced by the following:

Article VIII

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(*a*) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of such residues and oily mixtures as would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(*b*) oil loading terminals shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(*c*) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) As regards paragraph (1) of this Article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

9. The existing text of Article IX of the Convention is replaced by the following:

Article IX

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in Annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(*a*) ballasting of and discharge of ballast from cargo tanks of tankers;

(*b*) cleaning of cargo tanks of tankers;

(*c*) settling in slop tanks and discharge of water from tankers;

(*d*) disposal from tankers of oily residues from slop tanks or other sources;

(*e*) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(*f*) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

(*g*) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (*c*) of Article III or in Article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this Article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this Article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

10. The existing text of Article X of the Convention is replaced by the following:

Article X

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

11. The existing text of Article XIV of the Convention is replaced by the following:

Article XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to Article XV, the Governments of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

(*a*) signature without reservation as to acceptance;

(*b*) signature subject to acceptance followed by acceptance; or

(*c*) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the present Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

12. The existing text of Article XVI of the Convention is replaced by the following:

Article XVI

(1) (*a*) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(*b*) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2) (*a*) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(*b*) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3) (*a*) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(*b*) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

13. The existing text of Article XVIII of the Convention is replaced by the following:

Article XVIII

(1) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing given to the Bureau declare that the Convention shall extend to such territory.

(*b*) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2) (*a*) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this Article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may by a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

(*b*) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph (1) of this Article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the Convention has been or will cease to be so extended.

14. The existing text of Annex A to the Convention is replaced by the following:

ANNEX A
PROHIBITED ZONES

(1) All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purposes of this Annex, the term 'from the nearest land' means 'from the base-line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958'.

(2) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(*a*) *Pacific Ocean*
The Canadian Western Zone
The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

(*b*) *North Atlantic Ocean, North Sea and Baltic Sea*

(i) *The North-West Atlantic Zone*
The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47′ north, longitude 73° 43′ west to latitude 39° 58′ north, longitude 68° 34′ west thence to latitude 42° 05′ north, longitude 64° 37′ west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*
The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*
The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*
The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
62° north	2° east,
64° north	00°;
64° north	10° west,
60° north	14° west;
54° 30′ north	30° west,
53° north	40° west;

44° 20′ north	40° west,
44° 20′ north	30° west;
46° north	20° west, thence towards Cape Finisterre at the intersection of the 50-mile limit.

(v) *The Spanish Zone*
The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*
The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(c) *Mediterranean and Adriatic Seas*
The Mediterranean and Adriatic Zone
The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(d) *Black Sea and Sea of Azov*
The Black Sea and Sea of Azov Zone
The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(e) *Red Sea*
The Red Sea Zone
The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(f) *Persian Gulf*

(ii) *The Kuwait Zone*
The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*
The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

(g) *Arabian Sea, Bay of Bengal and Indian Ocean*

(i) *The Arabian Sea Zone*
The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

Latitude	*Longitude*
23° 33′ north	68° 20′ east,
23° 33′ north	67° 30′ east;
22° north	68° east,
20° north	70° east;
18° 55′ north	72° east,
15° 40′ north	72° 42′ east;
8° 30′ north	75° 48′ east,
7° 10′ north	76° 50′ east;
7° 10′ north	78° 14′ east,
9° 06′ north	79° 32′ east;

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*
The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

Latitude	*Longitude*
10° 15′ north	80° 50′ east,
14° 30′ north	81° 38′ east;
20° 20′ north	88° 10′ east,
20° 20′ north	89° east;

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*
The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(*h*) *Australia*
The Australian Zone
The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(3) (*a*) Any Contracting Government may propose:

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from the nearest land along any such coast, by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period to the effect that it considers that the destruction of birds and adverse effects on fish and the marine organisms on which they feed would be likely to occur or that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(*b*) Any declaration under this paragraph shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the declaration.

(4) The Organization shall prepare a set of charts indicating the extent of the prohibited zones in force in accordance with paragraph (2) of this Annex and shall issue amendments thereto as may be necessary.

15. The following changes to be made in Annex B to the Convention:

1. Throughout the Annex replace the words 'Identity numbers of tank(s)' by 'Identity numbers of tank(s) concerned'.

2. In Form I(*a*) replace the words 'Place or position of ship' by 'Place or position of ship at time of discharge'.

3. In Form I(*d*) and Form II(*a*) and (*b*) replace the words 'Place or position of ship' by 'Place or position of ship at time of disposal'.

4. In Form I(*c*) add a new line 17 as follows: '17. Approximate quantities of water discharged' and re-number lines in (*d*) 18 to 20.

5. Delete the words 'from ship' in the headings of Forms I(*d*) and II(*b*).

6. In Form III replace the words 'Place or position of ship' by 'Place or position of ship at time of occurrence'.

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, London, 1969

Done at London 21 October 1969

Entered into force 20 January 1978

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INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

ASSEMBLY 6TH SESSION
AGENDA ITEM 10

DISTR.
GENERAL
A VI/RES. 175
16 JANUARY 1970
ORIGINAL: ENGLISH

IMCO

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

Resolution A.175(VI)
adopted on 21 October 1969

THE ASSEMBLY,

RECALLING its Resolution A.142(V) adopted on 26 October 1967 which it approved the work programme of the Organization in particular with respect to the possible need for amending the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 in accordance with the conclusions of the third extraordinary session of the Council,

RECALLING FURTHER its Resolution A.151(ES.IV) concerning proposals for amending Article X, Resolution A.153(ES.IV) concerning proposals for amending Articles IX and X, and Resolution A.155(ES.IV) concerning proposals for amending Article III of the Convention in sufficient time to permit their consideration by the Assembly at its next regular session,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly,

NOTING FURTHER that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures of amendment involving participation by the Organization,

HAVING CONSIDERED certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and the Annexes thereto, forming the subject of a recommendation adopted by the Maritime Safety Committee at its nineteenth session in accordance with Article XVI of that Convention with a view to preventing and controlling deliberate pollution of the sea by oil,

RECALLING Resolution 1 of the International Conference on Prevention of Pollution of the Sea by Oil, 1962, concerning the complete avoidance, as soon as practicable, of the discharge of persistent oils into the sea and considering that the amendments to the Convention, as recommended by the Maritime Safety Committee, will enable significant progress to be made towards the ultimate achievement of complete avoidance of discharge,

ADOPTS the following Amendments to the Articles and the Annexes to the Convention the texts of which are attached to this Resolution:

(a) The replacement of paragraph (1) of Article I by a new paragraph;

(b) the replacement of Article III, by a new Article;

(c) the deletion of paragraph (c) of Article IV;

(d) the replacement of Article V by a new Article;

(e) the replacement of Article VII by a new Article;

(f) the replacement of paragraphs (1) and (2) of Article IX by new paragraphs;

(g) the replacement of paragraph (2) of Article X by a new paragraph;

(h) the deletion of Annex A;

(i) the replacement of Annex B by a new Annex;

REQUESTS the Secretary-General of the Organization, in conformity with Article XVI(2)(a), to communicate, for consideration and acceptance, certified copies of this Resolution and its attachment, to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization, and

INVITES all Governments concerned to accept the Amendments at the earliest possible date.

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954 AND ITS ANNEXES

Article I

The existing text of paragraph (1) is replaced by the following:

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them that is to say:

'The Bureau' has the meaning assigned to it by Article XXI;

'Discharge' in relation to oil or to oily mixture means any discharge or escape howsoever caused;

'Heavy diesel oil' means diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.86/59;

'Instantaneous rate of discharge of oil content' means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

'Mile' means a nautical mile of 6,080 feet or 1,852 metres;

'Nearest land'. The term 'from the nearest land' means 'from the base-line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958';

'Oil' means crude oil, fuel oil, heavy diesel oil and lubricating oil, and 'oily' shall be construed accordingly;

'Oily mixture' means a mixture with any oil content;

'Organization' means the Inter-Governmental Maritime Consultative Organization;

'Ship' means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and 'tanker' means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

Article III

The existing text of Article III is replaced by the following:

Subject to the provisions of Articles IV and V:

(a) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be prohibited except when the following conditions are all satisfied:

  (i) the ship is proceeding en route;

  (ii) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;

  (iii) the oil content of the discharge is less than 100 parts per 1,000,000 parts of the mixture;

  (iv) the discharge is made as far as practicable from land;

(b) the discharge from a tanker to which the present Convention applies of oil or oily mixture shall be prohibited except when the following conditions are all satisfied:

  (i) the tanker is proceeding en route;

  (ii) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;

  (iii) the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity;

  (iv) the tanker is more than 50 miles from the nearest land;

(c) the provisions of sub-paragraph (b) of this Article shall not apply to:

(i) the discharge of ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water; or

(ii) the discharge of oil or oily mixture from machinery space bilges, which shall be governed by the provisions of subparagraph (a) of this Article.

Article IV

Paragraph (c) is deleted.

Article V

The existing text of Article V is replaced by the following:

Article III shall not apply to the discharge of oily mixture from the bilges of a ship during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in accordance with paragraph (1) of Article II.

Article VII

The existing text of Article VII is replaced by the following:

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, as far as reasonable and practicable, the escape of oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

Article IX

The existing texts of paragraphs (1) and (2) are replaced by the following:

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in the Annex to this Convention.

(2) The oil record book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(a) <u>for tankers:</u>

(i) loading of oil cargo;

(ii) transfer of oil cargo during voyage;

(iii) discharge of oil cargo;

(iv) ballasting of cargo tanks;

(v) cleaning of cargo tanks;

(vi) discharge of dirty ballast;

(vii) discharge of water from slop-tanks;

(viii) disposal of residues;

(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book;

(b) for ships other than tankers:

(i) ballasting or cleaning of bunker fuel tanks;

(ii) discharge of dirty ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(iii) disposal of residues;

(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book.

In the event of such discharge or escape of oil or oily mixture as is referred to in Article IV, a statement shall be made in the oil record book of the circumstances of, and the reason for, the discharge or escape.

Article X

The existing text of paragraph (2) is replaced by the following:

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible. That Government shall promptly inform the Government whose official has reported the alleged contravention, as well as the Organization, of the action taken as a consequence of the information communicated.

ANNEX A

Annex A is deleted.

ANNEX B

Annex B is deleted and replaced by the following:

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ANNEX

FORM OF OIL RECORD BOOK

I - FOR TANKERS

Name of ship .....

Total cargo carrying capacity of ship in cubic metres .....

(a) Loading of oil cargo

1. Date and place of Loading					
2. Types of oil loaded					
3. Identity of tank(s) loaded					

(b) Transfer of oil cargo during voyage

4. Date of transfer					
5. Identity of tank(s)	i	From			
	ii	To			
6. Was(were) tank(s) in 5(i) emptied?					

(c) Discharge of oil cargo

7. Date and place of discharge			
8. Identity of tank(s) discharged			
9. Was(were) tank(s) emptied?			

(d) Ballasting of cargo tanks

10. Identity of tank(s) ballasted			
11. Date and position of ship at start of ballasting			

(e) Cleaning of cargo tanks

12. Identity of tank(s) cleaned			
13. Date and duration of cleaning			
14. Methods of cleaning*			

* Hand hosing, machine washing or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

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(f) Discharge of dirty ballast

15. Identity of tank(s)			
16. Data and position of ship at start of discharge to sea			
17. Date and position of ship at finish of discharge to sea			
18. Ship's speed(s) during discharge			
19. Quantity discharged to sea			
20. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))			
21. Date and port of discharge into shore reception facilities (if applicable)			

(g) Discharge of water from slop tanks

22. Identity of slop tank(s)	
23. Time of settling from last entry of residues, or	
24. Time of settling from last discharge	
25. Date, time and position of ship at start of discharge	
26. Sounding of total contents at start of discharge	
27. Sounding of interface at start of discharge	
28. Bulk quantity discharged and rate of discharge	
29. Final quantity discharged and rate of discharge	
30. Date, time and position of ship at end of discharge	
31. Ship's speed(s) during discharge	
32. Sounding of interface at end of discharge	

(h) Disposal of residue

33. Identity of tank(s)	
34. Quantity disposed from each tank	
35. Method of disposal of residue: (a) Reception facilities (b) Mixed with cargo (c) Transferred to another (other) tank(s) (identify tank(s)) (d) Other method	
36. Date and port of disposal of residue	

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(i) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces (including pump rooms) whilst in port.*

37. Port			
38. Duration of stay			
39. Quantity disposed			
40. Date and place of disposal			
41. Method of disposal (state whether a separator was used)			

(j) Accidental or other exceptional discharges of oil

42. Date and time of occurrence			
43. Place or position of ship at time of occurrence			
44. Approximate quantity and type of oil			
45. Circumstances of discharge or escape and general remarks			

..... Signature of Officer or Officers in charge of operation concerned

..... Signature of Master

* The routine discharge at sea of bilge water containing any oil from machinery spaces including pump room bilges need not be entered in the oil record book but, if not, it must be entered in the appropriate log book, stating whether or not the discharge was made through a separator. Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through separator".

II - FOR SHIPS OTHER THAN TANKERS

Name of ship .....

(a) Ballasting or cleaning of bunker fuel tanks

1. Identity of tank(s) ballasted			
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried			
3. Date and position of ship at start of cleaning			
4. Date and position of ship at start of ballasting			

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(b) Discharge of dirty ballast or cleaning water from tanks referred to under (a)

5. Identity of tank(s)			
6. Date and position of ship at start of discharge			
7. Date and position of ship at finish of discharge			
8. Ship's speed(s) during discharge			
9. Method of discharge (state whether separator used)			
10. Quantity discharged			

(c) Disposal of residues

11. Quantity of residue retained on board			
12. Methods of disposal of residue: (a) reception facilities (b) mixed with next bunkering (c) transferred to another (other) tank(s)			
13. Date and port of disposal of residue			

(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port*

14. Port			
15. Duration of stay			
16. Quantity disposed			
17. Date and place of disposal			
18. Method of disposal (state whether separator was used)			

(e) Accidental or other exceptional discharge of oil

19. Date and time of occurrence			
20. Place or position of ship at time of occurrence			
21. Approximate quantity and type of oil			
22. Circumstances of discharge or escape and general remarks			

..... Signature of Officer or Officers in charge of operations concerned

..... Signature of Master

* The route discharge at sea of bilge water containing any oil from machinery spaces need not be entered in the oil record book but if not, it must be entered in the appropriate log book, stating whether or not the discharge was made through a separator. Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil Concerning the Protection of the Great Barrier Reef, London, 1971

Done at London 12 October 1971

Not in force

Primary source citation: Senate Executive K, 92d Congress, 2d Session, U.S. Government Printing Office, Washington, 1977

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954 (AS AMENDED IN 1969), CONCERNING THE PROTECTION OF THE GREAT BARRIER REEF

RESOLUTION A.232(VII), ADOPTED ON 12 OCTOBER 1971

(ASSEMBLY—7th session, Agenda item 9)

THE ASSEMBLY,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly,

RECOGNIZING the Great Barrier Reef, which consists of a continuous chain of cays and live coral reefs extending for a distance of some 1250 miles from latitude 9° South to latitude 24° South and up to 145 nautical miles from the Australian coast, as an area of unique scientific importance and of extraordinary international significance, particularly in the field of tourism,

NOTING the deep concern expressed by the Government of Australia that the Great Barrier Reef should be maintained and preserved in its natural state free from pollution in any form particularly that caused by discharges from ships of oil or oily mixtures even in limited quantities,

RECALLING the definition of the term "from the nearest land" as set out in Annex A(1) of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and restated in the amended text of Article I of the Convention as adopted by the Assembly in Resolution A.175(VI) on 21 October 1969,

NOTING FURTHER that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures for amendment involving participation by the Organization,

HAVING CONSIDERED the particular amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1969 by Resolution A.175(VI), forming the subject of a recommendation by the Maritime Safety Committee at its twenty-third session in accordance with Article XVI of that Convention with a view to protecting the area known as the Great Barrier Reef from the effects of pollution by oil,

ADOPTS the following amendments to the Articles of the Convention (as amended in 1969), the texts of which are at Annex to this Resolution:

(a) the replacement of the definition of "nearest land" in Article I by a new definition;

(b) the replacement of sub-paragraph (iv) of paragraph (a) of Article III by a new sub-paragraph,

REQUESTS the Secretary-General of the Organization, in conformity with Article XVI(2)(a), to communicate certified copies of this Resolution to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization,

INVITES all governments concerned to accept the Amendment at the earliest possible date after formal entry into force of the Amendments to the Convention adopted on 21 October 1969 by Resolution A.175(VI),

INVITES FURTHER governments which have implemented, on a national basis, the Amendments to the Convention adopted by the Assembly on 21 October 1969 to give effect also to the attached provisions for the protection of the Great Barrier Reef.

ANNEX

ARTICLE I

The existing text of the definition of "Nearest Land" in Article I is replaced by the following:

"Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958, except that, for the purposes of the Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in latitude 11° South, longitude 142°08′ East to a point in latitude 10°35′ South, longitude 141°55′ East—

thence to a point latitude 10°00 South, longitude 142°00′ East
thence to a point latitude 9°10′ South, longitude 143°52′ East
thence to a point latitude 9°00′ South, longitude 144°30′ East
thence to a point latitude 13°00′ South, longitude 144°00′ East
thence to a point latitude 15°00′ South, longitude 146°00′ East
thence to a point latitude 18°00′ South, longitude 147°00′ East
thence to a point latitude 21°00′ South, longitude 153°00′ East
Thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

ARTICLE III

The existing text of sub-paragraph (iv) of paragraph (a) of Article III is replaced by the following:

(iv) the discharge is made as far as practicable from the nearest land.

Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil Concerning Tank Arrangements and Limitation of Tank Size, London, 1971

Done at London 15 October 1971

Not in force

Primary source citation: Senate Executive K, 92d Congress, 2d Session, U.S. Government Printing Office, Washington, 1977

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954, CONCERNING TANK ARRANGEMENTS AND LIMITATION OF TANK SIZE

RESOLUTION A.246(VII), ADOPTED ON 15 OCTOBER 1971

THE ASSEMBLY,

NOTING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization concerning the functions of the Assembly,

BEING CONSCIOUS of the responsibility of the Organization for taking effective measures for the prevention and control of pollution of the marine environment which may arise from maritime activities,

REALIZING that notwithstanding the adoption by the Organization of various measures for preventing collisions and strandings of ships, it is not possible to eliminate entirely accidents which may lead to release of oil, but desiring to minimize ensuing damage to the environment,

RECOGNIZING that construction of oil tankers of large size without accompanying control of size or internal arrangement of cargo tanks leads to the possibility, in the event of a single accident, of serious environmental pollution,

HAVING EXAMINED the Recommendations relating to tank arrangements and to the limitation of tank size prepared by the Maritime Safety Committee at its twenty-third session,

CONSIDERING that the universal implementation of such requirements can best be achieved by amending the International Convention for the Prevention of Pollution of the Sea by Oil, 1954,

NOTING that Article XVI of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, provides for procedures of amendment involving participation by the Organization,

ADOPTS the following amendments to the Articles and Annexes to that Convention, the texts of which are attached to this Resolution:

(a) the addition of a new Article VI bis, and

(b) the addition of a new Annex C,

REQUESTS the Secretary-General of the Organization, in conformity with sub-paragraph (2)(a) of Article XVI to communicate for consideration and acceptance, certified copies of this Resolution and its Annexes, to all Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, together with copies to all Members of the Organization,

INVITES all governments concerned to accept the amendments at the earliest possible date, and

DETERMINES in accordance with paragraph (5) of Article XVI that these amendments are of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of Article XVI and which does not accept the amendments within a period of 12 months after the amendments come into force, shall, upon the expiry of this period, cease to be a Party to the present Convention.

ANNEX I

Add new Article VI bis as follows:

ARTICLE VI BIS

(1) Every tanker to which the present Convention applies and for which the building contract is placed on or after the date of coming into force of this Article shall be constructed in accordance with the provisions of Annex C. In addition, every tanker to which the present Convention applies and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar stage of construction, before the date of coming into force of this Article shall be required, within two years after that date, to comply with the provisions of Annex C, where such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January 1977; or

(b) a tanker to which both the following conditions apply:

(i) delivery is not later than 1 January 1977; and

(ii) the building contract is placed after 1 January 1972, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction, after 30 June 1972.

(2) A tanker required under paragraph (1) of this Article to be constructed in accordance with Annex C and so constructed shall carry on board a certificate issued or authorized by the responsible Contracting Government attesting such compliance. A tanker which under paragraph (1) of this Article is not required to be constructed in accordance with Annex C shall carry on board a certificate to that effect issued or authorized by the responsible Contracting Government, or if the tanker does comply with Annex C although not required to do so, it may carry on board a certificate issued or authorized by the responsible Contracting Government attesting such compliance. A Contracting Government shall not permit such tankers under its flag to trade unless the appropriate certificate has been issued.

(3) Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as certificates issued by them.

(4) If a Contracting Government has clear grounds for believing that a tanker required under paragraph (1) of this Article to be constructed in accordance with Annex C entering ports in its territory or using off-shore terminals under its control does not in fact comply with Annex C, such Contracting Government may request consultation with the Government with which the tanker is registered. If, after such consultation or otherwise, the Contracting Government is satisfied that the tanker does not comply with Annex C, such Contracting Government may for this reason deny such a tanker access to ports in its territorial waters or to off-shore terminals under its control until such time as the Contracting Government is satisfied that the tanker does comply.

ANNEX II

Add new Annex C as follows:

ANNEX C

REQUIREMENTS RELATING TO TANK ARRANGEMENTS AND TO THE LIMITATION OF TANK SIZE

1. *Assumed Extent of Damage*

In the following paragraphs three dimensions of the extent of damage of a parallelepiped due to both collision and stranding are assumed. In the case of stranding, two conditions are set forth to be applied individually to the stated portions of the ship. These values represent the maximum assumed damage in such accidents and are to be used to determine by trial at all conceivable locations the worst combination of compartments which would be breached by such an accident.

1.1 *Collision*

Longitudinal extent (l_c)	$1/3L^{2/3}$ or 14.5 metres whichever is less
Transverse extent (t_c) inboard from the ship's side at right angles to the centreline at the level of the load line	$B/5$ or 11.5 metres whichever is less
Vertical extent (v_c)	from the base line upwards without limit

1.2 *Stranding*

	For 0.3L from the forward perpendicular the ship	Any other part of the ship
Longitudinal extent (l_s)	$L/10$	5 metres
Transverse extent (t_s)	$B/6$ or 10.0 metres, whichever is less	5 metres
Vertical extent (v_s) from the base line	$B/15$ or 6 metres, whichever is less, for any part of the ship	

where: L, B in metres and perpendicular are as defined in Regulation 3 of the International Convention on Load Lines, 1966.

2. *Hypothetical Oil Outflow from Tanks Assumed to be Breached as Result of the Accident*

The hypothetical oil outflow in the case of collision (O_o) and stranding (O_s) shall be calculated by the following formulae with respect to compartments breached by each assumed location of damage defined in Section 1.

2.1 *Collision*

$$O_o = \Sigma W_i + \Sigma K_i C_i \quad (1)$$

2.2 *Stranding*

$$O_s = 1/3(\Sigma Z_i W_i + \Sigma Z_i C_i) \quad (2)$$

Where:

W_i = volume of a wing tank in cubic metres breached by the damage assumed in Section 1; W_i for a clean ballast tank may be taken equal to zero,

C_i = volume of a centre tank in cubic metres breached by the damage assumed in Section 1; C_i for a clean ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$; when b_i is equal to or greater than t_c, K_i shall be taken equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$; when h_i is equal to or greater than v_s, Z_i shall be taken equal to zero,

b_i = width of wing tank in metres under consideration,

h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted, h_i shall be taken equal to zero,

wing tank = any tank adjacent to the side shell plating,

centre tank = any tank inboard a longitudinal bulkhead.

2.3 *Special requirements*

2.3.1 If a void space or clean water ballast tank of a length less than l_c as defined in 1.1 is located between wing oil tanks, O_c in formula (1) may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = \frac{1 - l_c}{l_c}$$

Where: l_c = length in metres of void space or clean ballast tank under consideration.

2.3.2(a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the stranding damage shall be induced in formula (2) even if the tank is not considered breached because of the installation of such a partial double bottom.

2.3.2(c) Suction wells may be neglected in the determination of the value h_i provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_i shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connection to the tank served to prevent oil outflow in the event of damage of the piping during stranding. Such piping shall be installed as high from the bottom shell as possible.

2.3.3 In the case where stranding damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \frac{1}{4}(\Sigma Z_i W_i + \Sigma Z_i C_i) \quad (3)$$

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2.3.4 An Administration may credit as reducing oil outflow in case of stranding, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (3). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the stranding damage v_s.

The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other governments.

3. *Limitations of Size of Cargo Oil Tanks*

3.1 *Limitation of hypothetical oil outflow*

The hypothetical oil outflow O_c or O_s calculated in accordance with the formulae in Section 2 shall not exceed 30,000 cubic metres or $400^3\sqrt{DW}$, whichever is the greater but subject to a maximum of 40,000 cubic metres, where DW=dead weight of the ship in metric tons.

3.2 *Limitation of volume of single tank*

The volume of a wing tank shall not exceed seventy-five percent of the limits of hypothetical oil outflow referred to in 3.1. The volume of a centre tank shall not exceed 50,000 cubic metres.

3.3 *Limitation of tank length*

The length of each tank shall not exceed 10 metres or one of the following values, whichever is greater:

(a) where no longitudinal bulkhead is provided: $0.1L$

(b) where a longitudinal bulkhead is provided at the centreline only: $0.15L$

(c) where two or more longitudinal bulkheads are provided:

(i) for wing tanks: $0.2L$

(ii) for centre tanks:

(1) if $\frac{b_i}{B}$ is equal to or greater than 1/5:$0.2L$

(2) if $\frac{b_i}{B}$ is less than 1/5:

—where no centreline longitudinal bulkhead is provided:

$(0.5\frac{b_i}{B} + 0.1)L$

—where a centreline longitudinal bulkhead is provided:

$(0.25\frac{b_i}{B} + 0.15)L$

Agreement Concerning Co-operation to Ensure Compliance with the Regulations for Preventing the Pollution of the Sea by Oil, Copenhagen, 1967

Done at Copenhagen 8 December 1967

Entered into force 8 January 1968

Depositary: Denmark

Primary source citation: 620 UNTS 233

AGREEMENT BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING CO-OPERATION TO ENSURE COMPLIANCE WITH THE REGULATIONS FOR PREVENTING THE POLLUTION OF THE SEA BY OIL.

The Governments of Denmark, Finland, Norway and Sweden, desiring, through co-operation with each other, to ensure compliance with the International Convention for the Prevention of Pollution of the Sea by Oil and with the national regulations in force in this matter, have agreed as follows:

Article 1

One Contracting State shall forthwith inform the competent authority of another Contracting State of the sighting of any considerable amount of oil on the sea which is apt to drift towards the territory of the latter State.

Article 2

One Contracting State shall inform the competent authority of another Contracting State of any case where a vessel registered in the latter State has been observed committing an offence, within the territorial or adjacent waters of the Contracting States, against the regulations concerning pollution by oil.

Article 3

The Contracting States shall furnish assistance to each other in the investigation of offences against the regulations concerning pollution by oil which are presumed to have been committed within the territorial or adjacent waters of the Contracting States.

Such assistance may include inspection of the oil record book, the ship's official log-book and the engine-room log, the taking of oil samples and so on.

Article 4

The Contracting States shall each year exchange information on the more important cases of oil pollution observed within the territorial waters of the respective States and on what measures were taken in each particular case.

Article 5

The Contracting States shall also exchange information concerning:

(*a*) the existence and the construction of facilities for the reception of oily residues from ships;

(*b*) national regulations and other circumstances which have a bearing on the prevention of oil pollution;

(*c*) the authorities of the respective Contracting States to which information in pursuance of this Agreement is to be transmitted.

Article 6

If one of the Contracting States desires to denounce the Agreement, written notice to that effect shall be given to the Danish Government, which shall forthwith inform the other Contracting States of the denunciation and of the date of receipt of the notice.

A denunciation shall apply only to the State giving notice and shall take effect twelve months after its receipt by the Danish Government or at such later date as may be specified in the notice.

Article 7

The Agreement shall be deposited with the Danish Ministry of Foreign Affairs, and certified copies thereof shall be transmitted by the said Ministry to the Government of each of the Contracting States.

Article 8

The Agreement shall come into force one month after its signature.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Agreement.

DONE at Copenhagen on 8 December 1967 in a single copy in the Danish, Finnish, Norwegian and Swedish languages, all texts being equally authentic.

International Convention on Civil Liability for Oil Pollution Damage, Brussels, 1969

Done at Brussels 29 November 1969

*Entered into force 19 July 1975**

Depositary: International Maritime Organization

Primary source citation: Senate Executive G, 91st Congress, 2d Session, U.S. Government Printing Office, Washington, 1970

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

The States Parties to the present Convention,

Conscious of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

Desiring to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

Article I. For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

* This Convention is not in force for the United States.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article II. This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

Article III. 1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

(*a*) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(*b*) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(*c*) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

Article IV. When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article V. 1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this Article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has, as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this Article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this Article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this Article shall be a unit consisting of sixty-five-and-a-half milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this Article shall be converted into the national currency of the State in which the fund is being constituted on the basis of the official value of that currency by reference to the unit defined above on the date of the constitution of the fund.

10. For the purpose of this Article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per cent of the weight in tons (of 2,240 lbs) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this Article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article VI. 1. Where the owner, after an incident, has constituted a fund in accordance with Article V, and is entitled to limit his liability,

(*a*) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(*b*) the Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

Article VII. 1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article V, paragraph 1, to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 of this Article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

(*a*) name of ship and port of registration;

(*b*) name and principal place of business of owner;

(*c*) type of security;

(*d*) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;

(*e*) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French, the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this Article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this Article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

6. The State of registry shall, subject to the provisions of this Article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the State of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in Article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available exclusively for the satisfaction of claims under this Convention.

10. A Contracting State shall not permit a ship under its flag to which this Article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this Article.

11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this Article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this Article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits prescribed by Article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this Article.

Article VIII. Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article IX. 1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article X. 1. Any judgment given by a Court with jurisdiction in accordance with Article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review shall be recognized in any Contracting State, except:

(*a*) where the judgment was obtained by fraud; or

(*b*) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each Contract State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

Article XI. 1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in Article IX and shall waive all defences based on its status as a sovereign State.

Article XII. This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this Article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Article XIII. 1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(*a*) signature without reservation as to ratification, acceptance or approval;

(*b*) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(*c*) accession.

Article XIV. 1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Contracting States, or after the completion of

all measures required for the entry into force of the amendment with respect to those Contracting States, shall be deemed to apply to the Convention as modified by the amendment.

Article XV. 1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XVI. 1. The present Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XVII. 1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Contracting State which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XVIII. 1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting States for revising or amending the present Convention at the request of not less than one-third of the Contracting States.

Article XIX. 1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(*a*) inform all States which have signed or acceded to the Convention of

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XVII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(*b*) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XX. As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XXI. The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969

Name of ship	*Distinctive number or letters*	*Port of registry*	*Name and address of owner*

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Type of Security . . . . .
Duration of Security . . . . .
Name and Address of the Insurer(s) and/or Guarantor(s)

Name . . . . .
Address . . . . .
This certificate is valid until . . . . .
Issued or certified by the Government of . . . . .
. . . . .
(Full designation of the State)
At . . . . . On . . . . .
(Place) *(Date)*

. . . . .
(Signature and title of issuing or certifying official)

EXPLANATORY NOTES

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of the Security" must stipulate the date on which such security takes effect.

Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1976

Done at London 19 November 1976

*Entered into force 8 April 1981**

Primary source citation: 16 ILM 617 (1977)

LEC/OA/CONF.1/4
19 November 1976

Original: ENGLISH

CONFERENCE TO REVISE THE UNIT OF ACCOUNT PROVISIONS IN THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

IMCO

PROTOCOL TO THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969;

HAVE AGREED AS FOLLOWS:

Article I

For the purpose of the present Protocol:

1. "Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969.

2. "Organization" has the same meaning as in the Convention.

3. "Secretary-General" means the Secretary-General of the Organization.

* This Protocol is not in force for the United States.

Article II

Article V of the Convention is amended as follows:

(1) Paragraph 1 is replaced by the following text:

"The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 133 units of account for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 14 million units of account."

(2) Paragraph 9 is replaced by the following text:

9(a) The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

9(b) Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) of this Article may, at the time of ratification, acceptance, approval of or accession to the present Convention, or at any time thereafter, declare that the limits of liability provided for in paragraph 1 to be applied in its territory shall, in respect of any one incident, be an aggregate of 2,000 monetary units for each ton of the ship's tonnage provided that this aggregate amount shall not in any event exceed 210 million monetary units. The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of these amounts into the national currency shall be made according to the law of the State concerned.

9(c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such a manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as is expressed there in units of account. Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument referred to in Article IV and whenever there is a change in either.

Article III

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions of the Convention on Civil Liability for Oil Pollution Damage, 1969, held in London from 17 to 19 November 1976. The Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article IV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties, shall be deemed to apply to the Protocol as modified by the amendment.

Article V

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

Article VI

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VII

1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article VIII

1. The present Protocol shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;

(iv) any amendments to the present Protocol;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article IX

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article X

The present Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

DONE AT LONDON this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1984

Done at London 25 May 1984

Not in force

Primary source citation: Senate Treaty Document 99-12, 99th Congress, 1st Session, U.S. Government Printing Office, Washington, 1985

PROTOCOL OF 1984 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

THE STATES PARTIES TO THE PRESENT PROTOCOL,

CONSIDERING that it is desirable to amend the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969, to provide for improved scope and enhanced compensation,

RECOGNIZING that special provisions are necessary in connexion with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the "1969 Liability Convention". For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. "Ship" means any sea-going vessel and sea-borne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be

regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.

2. Paragraph 5 is replaced by the following test:

5. "Oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

3. Paragraph 6 is replaced by the following text:

6. "Pollution damage" means:

(a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

(b) the costs of preventive measures and further loss or damage caused by preventive measures.

4. Paragraph 8 is replaced by the following text:

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.

5. Paragraph 9 is replaced by the following text:

9. "Organization" means the International Maritime Organization.

6. After paragraph 9 a new paragraph is inserted reading as follows:

10. "1969 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.

2. Paragraph 4 is replaced by the following text:

4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:

(a) the servants or agents of the owner or the members of the crew;

(b) the pilot or any other person who, without being a member of the crew, performs services for the ship;

(c) Any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;

(e) any person taking preventive measures;

(f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:

(a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;

(b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a);

provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.

2. Paragraph 2 is replaced by the following text:

2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3. Paragraph 3 is replaced by the following text:

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.

4. Paragraph 9 is replaced by the following text:

9(a). The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval or accession to this Convention and whenever there is a change in either.

5. Paragraph 10 is replaced by the following text:

10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

6. The second sentence of paragraph 11 is replaced by the following text:

Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:

A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered

in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.

2. Paragraph 4 is replaced by the following text:

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.

3. The first sentence of paragraph 7 is replaced by the following text:

Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.

4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".

5. The second sentence of paragraph 8 is replaced by the following text:

In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

Article 8

Article IX of the 1969 Liability Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to an Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

Article XII bis

Transitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

(a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;

(b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;

(c) in the application of Article III, paragraph 4, of this Convention the expression "this Convention" shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;

(d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

Article XII ter

Final clauses

The final clause of this Convention shall be Articles 12 to 18 of the Protocol of 1984 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention on Civil Liability for Oil Pollution Damage, 1984 (1984 Liability Convention).

FINAL CLAUSES

Article 12

Signature, ratification, etc.

1. This Protocol shall be open for signature at London from 1 December 1984 to 30 November 1985 by all States.

2. Subject to paragraph 4, any State may become a Party to this Protocol by:

(a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(b) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1984 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.

5. A State which is a Party to this Protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.

6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 13

Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including six States each with not less than one million units of gross tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1984 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1984 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.

3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

Article 14

Revision and amendment

1. A Conference for the purpose of revising or amending the 1984 Liability Convention may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1984 Liability Convention at the request of not less than one-third of the Contracting States.

Article 15

Amendments of limitation amounts

1. Upon the request of at least one-quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one-half of the Contracting States shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the Convention as amended by this Protocol and those in paragraph 4 of Article 4 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1984.

6(a). No amendment of the limits of liability under this Article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from the date on which this Protocol was opened for signature.

(c). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol multiplied by 3.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one-quarter of the States that were Contracting States at the time of the adoption of the amendment by the Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 16

Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument within the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI therefore shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.

5. Denunciation of the Protocol of 1984 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1984 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.

Article 17

Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to this Protocol of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1984 Liability Convention;

(iii) the date of entry into force of this Protocol;

(iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;

(v) any amendment which has been adopted in accordance with Article 15, paragraph 4;

(vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;

(vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(viii) any denunciation deemed to have been made under Article 16, paragraph 5;

(ix) any communication called for by any Article of this Protocol.

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON, this twenty-fifth day of May one thousand nine hundred and eighty-four.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

ANNEX

CERTIFICATES OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1984.

Name of Ship	Distinctive Number or Letters	Port of Registry	Name and Address of Owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1984.

Type of Security .....

.....

Duration of Security .....

.....

Name and Address of the Insurer(s) and/or Guarantor(s)

Name .....

Address .....

This certificate is valid until .....

Issued or certified by the Government of .....

.....
(Full designation of the State)

At ..... On .....
(Place) (Date)

.....
Signature and Title of issuing or certifying official

Explanatory Notes:

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1992

Done at London 27 November 1992

Not in force

Primary source citation: Copy of text provided by the International Maritime Organization

INTERNATIONAL MARITIME ORGANIZATION

LEG/CONF.9/15
2 December 1992
Original: ENGLISH

INTERNATIONAL CONFERENCE ON THE
REVISION OF THE 1969 CIVIL LIABILITY
CONVENTION AND THE 1971 FUND CONVENTION

Agenda item 8

IMO

ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE

PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

Text adopted by the Conference

THE PARTIES TO THE PRESENT PROTOCOL,

HAVING CONSIDERED the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING that special provisions are necessary in connection with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the "1969 Liability Convention". For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. "Ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.

2. Paragraph 5 is replaced by the following text:

   5. "Oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

3. Paragraph 6 is replaced by the following text:

   6. "Pollution damage" means:

   (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

   (b) the costs of preventive measures and further loss or damage caused by preventive measures.

4. Paragraph 8 is replaced by the following text:

   8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.

5. Paragraph 9 is replaced by the following text:

9. "Organization" means the International Maritime Organization.

6. After paragraph 9 a new paragraph is inserted reading as follows:

10. "1969 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.

2. Paragraph 4 is replaced by the following text:

4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:

(a) the servants or agents of the owner or the members of the crew;

(b) the pilot or any other person who, without being a member of the crew, performs services for the ship;

(c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;

(e) any person taking preventive measures;

(f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:

(a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;

(b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a);

provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.

2. Paragraph 2 is replaced by the following text:

2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3. Paragraph 3 is replaced by the following text:

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.

4. Paragraph 9 is replaced by the following text:

9(a). The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

5. Paragraph 10 is replaced by the following text:

10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

6. The second sentence of paragraph 11 is replaced by the following text:

Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:

A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.

2. Paragraph 4 is replaced by the following text:

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.

3. The first sentence of paragraph 7 is replaced by the following text:

Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.

4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".

5. The second sentence of paragraph 8 is replaced by the following text:

In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

Article 8

Article IX of the 1969 Liability Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

Article XII bis

Transitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

(a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;

(b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;

(c) in the application of Article III, paragraph 4, of this Convention the expression "this Convention" shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;

(d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

Article XII ter

Final clauses

The final clauses of this Convention shall be Articles 12 to 18 of the Protocol of 1992 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Liability Convention).

FINAL CLAUSES

Article 12

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by all States.

2. Subject to paragraph 4, any State may become a Party to this Protocol by:

   (a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

   (b) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1992 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.

5. A State which is a Party to this Protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.

6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 13

Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including four States each with not less than one million units of gross tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.

3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

Article 14

Revision and amendment

1. A Conference for the purpose of revising or amending the 1992 Liability Convention may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Liability Convention at the request of not less than one third of the Contracting States.

Article 15

Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

6(a). No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.

(c). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 16

Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.

5. Denunciation of the Protocol of 1992 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.

Article 17

Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to this Protocol of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;

(iii) the date of entry into force of this Protocol;

(iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;

(v) any amendment which has been adopted in accordance with Article 15, paragraph 4;

(vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;

(vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(viii) any denunciation deemed to have been made under Article 16, paragraph 5;

(ix) any communication called for by any Article of this Protocol;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON, this twenty-seventh day of November one thousand nine hundred and ninety-two.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of Security . . . . . .
. . . . . .
Duration of Security . . . . . .
. . . . . .
Name and Address of the Insurer(s) and/or Guarantor(s)
Name . . . . . .
Address . . . . . .
This certificate is valid until . . . . . .
Issued or certified by the Government of . . . . . .
. . . . . .
(Full designation of the State)

At . . . . . On . . . . . .
(Place) (Date)

. . . . . .
Signature and Title of issuing or certifying official

Explanatory Notes:

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil, Bonn, 1969

Done at Bonn 9 June 1969

*Entered into force 9 August 1969**

Depositary: Germany

Primary source citation: 704 UNTS 3

AGREEMENT FOR CO-OPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland,

Recognizing that grave pollution of the sea by oil in the North Sea area involves a danger to the coastal states,

Noting that the Council of the Inter-Governmental Maritime Consultative Organization at its third extraordinary session in May, 1967, decided to include among the matters requiring study as a matter of urgency, inter alia:

"Procedures whereby States, regionally or interregionally where applicable, can co-operate at short notice to provide manpower, supplies, equipment and scientific advice to deal with discharge of oil or other noxious or hazardous substances including consideration of the possibility of patrols to ascertain the extent of the discharge and the manner of treating it both on sea and land",

Have agreed on the following:

Article 1

This Agreement shall apply whenever the presence or the prospective presence of oil polluting the sea within the North Sea area, as defined in Article 2 of this Agreement, presents a grave and imminent danger to coast or related interests of one or more Contracting Parties.

Article 2

For the purposes of this Agreement the North Sea area means the North Sea proper southwards of latitude 61° N together with

* This Agreement is not in force for the United States. This Agreement was superseded by the 1983 Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (see Volume III, page 2345).

(*a*) the Skagerrak, the southern limit of which is determined by a line joining Skagen and Pater Noster Skären,

(*b*) the English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant.

Article 3

The Contracting Parties consider that protection against pollution of the kind referred to in Article 1 of this Agreement is a matter which calls for active co-operation between the Contracting Parties.

Article 4

Contracting Parties undertake to inform the other Contracting Parties about

(*a*) their national organisation for dealing with oil pollution;

(*b*) the competent authority responsible for receiving reports of oil pollution and for dealing with questions concerning measures of mutual assistance between Contracting Parties;

(*c*) new ways in which oil pollution may be avoided and about new effective measures to deal with oil pollution.

Article 5

(1) Whenever a Contracting Party is aware of a casualty or the presence of oil slicks in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform that other Party without delay through its competent authority.

(2) The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

(*a*) all casualties causing or likely to cause oil pollution of the sea;

(*b*) the presence, nature and extent of oil slicks on the sea likely to constitute a serious threat to the coast or related interests of one or more Contracting Parties.

Article 6

(1) For the sole purposes of this Agreement the North Sea area is divided into the zones described in the Annex to this Agreement.

(2) The Contracting Party within whose zone a situation of the kind described in Article 1 occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil floating on the sea, and the direction and speed of movement of the oil.

(3) The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and of any action which it has taken to deal with the floating oil and shall keep the oil under observation as long as it is drifting in its zone.

(4) The obligations of the Contracting Parties under the provisions of this Article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.

(5) In no case shall the division into zones referred to in this Article be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.

Article 7

A Contracting Party requiring assistance to dispose of oil floating on the sea or polluting its coast may call on the help of the other Contracting Parties, starting with those which also seem likely to be affected by the floating oil. Contracting Parties called upon for help in accordance with this Article shall use their best endeavours to bring such assistance as is within their power.

Article 8

Any Contracting Party which has taken action in accordance with Article 7 of this Agreement shall submit a report thereon to the other Contracting Parties and to the Inter-Governmental Maritime Consultative Organization.

Article 9

(1) This Agreement shall be open for signature by the Governments mentioned in the preamble from 9 June 1969.

(2) These Governments may become parties to this Agreement either by signature without reservation as to ratification or approval or by signature subject to ratification or approval followed by ratification or approval.

(3) Instruments of ratification or approval shall be deposited with the Government of the Federal Republic of Germany.

(4) This Agreement shall enter into force two months after the date on which six Governments have signed the Agreement without reservation as to ratification or approval or have deposited an instrument of ratification or approval.

(5) For each Government which subsequently signs the Agreement without reservation as to ratification or approval, or ratifies or approves it, it shall enter into force two months after the date of its signature or of the deposit of its instrument of ratification or approval.

Article 10

(1) After this Agreement has been in force for five years it may be denounced by any Contracting Party.

(2) Denunciation shall be effected by a notification in writing addressed to the Government of the Federal Republic of Germany which shall notify all the other Contracting Parties of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect one year after its receipt by the Government of the Federal Republic of Germany.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments have signed this Agreement.

DONE at Bonn on this ninth day of June, 1969, in the English and French languages, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the Federal Republic of Germany which shall transmit a duly certified copy to each of the other signatory Governments. This Agreement shall be registered with the United Nations in conformity with Article 102 of the Charter of the United Nations.

ANNEX

DESCRIPTION OF THE ZONES REFERRED TO IN ARTICLE 6 OF THIS AGREEMENT

The zones, with the exception of the zones of joint responsibility, are limited by lines joining the following points:

Denmark	*Germany*
55°03′N 8°22′E	53°34′N 6°38′E
55°10′N 7°30′E	54°00′N 5°30′E
55°10′N 2°15′E	54°00′N 2°40′E
57°00′N 1°30′E	55°10′N 2°15′E
57°00′N 6°40′E	55°10′N 7°30′E
58°10′N 10°00′E	55°03′N 8°22′E
57°48′N 10°57′E	
57°44′N 10°38′E (Skagen)	

Netherlands	*Norway*
51°32′N 3°18′E	61°00′ N 4°30′E
51°32′N 2°06′E	61°00′ N 2°00′E
52°30′N 3°10′E	57°00′ N 1°30′E
54°00′N 2°40′E	57°00′ N 6°40′E
54°00′N 5°30′E	58°10′ N 10°00′E
53°34′N 6°38′E	58°54,5′N 10°43′E
	(To be continued along the Norwegian-Swedish border.)

Sweden	*United Kingdom*
57°54′ N 11°28′E	61°00′N 0°50′W
(Pater Noster lighthouse)	61°00′N 2°00′E
57°48′ N 10°57′E	57°00′N 1°30′E
58°10′ N 10°00′E	52°30′N 3°10′E
58°54,5′N 10°43′E	51°32′N 2°06′E
(To be continued along the Norwegian-Swedish border.)	

The zones of joint responsibility are as follows:

1. *Belgium, France and United Kingdom*
   Sea area between parallels 51°32′ N and 51°06′ N.

2. *France and United Kingdom*
   The English Channel south-west of parallel 51°06′ N to a line drawn between the points 49°52′ N 07°44′ W and 48°27′ N 06°25′ W.

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels, 1969

Done at Brussels 29 November 1969

Entered into force 6 May 1975

Depositary: International Maritime Organization

Primary source citation: 26 UST 765, TIAS 8068

INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES

The States Parties to the present Convention,

CONSCIOUS of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

CONVINCED that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

HAVE AGREED as follows:

ARTICLE I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

ARTICLE II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "ship" means:

(a) any sea-going vessel of any type whatsoever, and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "related-interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

ARTICLE IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

ARTICLE V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

(a) the extent and probability of imminent damage if those measures are not taken; and

(b) the likelihood of those measures being effective; and

(c) the extent of the damage which may be caused by such measures.

ARTICLE VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

ARTICLE VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

ARTICLE VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own courts have not been exhausted.

ARTICLE IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

ARTICLE X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

ARTICLE XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

ARTICLE XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

ARTICLE XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

CHAPTER I

CONCILIATION

ARTICLE 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

ARTICLE 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

ARTICLE 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

ARTICLE 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Commission with the necessary documents and information;

(b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

CHAPTER II

ARBITRATION

ARTICLE 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

ARTICLE 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

ARTICLE 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case

of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

ARTICLE 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other Than Oil, London, 1973

Done at London 2 November 1973

Entered into force 30 March 1983

Primary source citation: 34 UST 3407, TIAS 10561

PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF POLLUTION BY SUBSTANCES OTHER THAN OIL, 1973

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, done at Brussels on 29 November 1969,

TAKING INTO ACCOUNT the Resolution on International Co-operation Concerning Pollutants other than Oil adopted by the International Legal Conference on Marine Pollution Damage, 1969,

FURTHER TAKING INTO ACCOUNT that pursuant to the Resolution, the Inter-Governmental Maritime Consultative Organization has intensified its work, in collaboration with all interested international organizations, on all aspects of pollution by substances other than oil,

HAVE AGREED as follows:

ARTICLE I

1. Parties to the present Protocol may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution by substances other than oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. "Substances other than oil" as referred to in paragraph 1 shall be:

   (a) those substances enumerated in a list which shall be established by an appropriate body designated by the Organization and which shall be annexed to the present Protocol, and

   (b) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

3. Whenever an intervening Party takes action with regard to a substance referred to in paragraph 2(b) above that Party shall have the burden of establishing that the substance, under the circumstances present at the time of the intervention, could reasonably pose a grave and imminent danger analogous to that posed by any of the substances enumerated in the list referred to in paragraph 2(a) above.

ARTICLE II

1. The provisions of paragraph 2 of Article I and of Articles II to VIII of the Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, and the Annex thereto as they relate to oil, shall be applicable with regard to the substances referred to in Article I of the present Protocol.

2. For the purpose of the present Protocol the list of experts referred to in Articles III(c) and IV of the Convention shall be extended to include experts qualified to give advice in relation to substances other than oil. Nominations to the list may be made by Member States of the Organization and by Parties to the present Protocol.

ARTICLE III

1. The list referred to in paragraph 2(a) of Article I shall be maintained by the appropriate body designated by the Organization.

2. Any amendment to the list proposed by a Party to the present Protocol shall be submitted to the Organization and circulated by it to all Members of the Organization and all Parties to the present Protocol at least three months prior to its consideration by the appropriate body.

3. Parties to the present Protocol whether or not Members of the Organization shall be entitled to participate in the proceedings of the appropriate body.

4. Amendments shall be adopted by a two-thirds majority of only the Parties to the present Protocol present and voting.

5. If adopted in accordance with paragraph 4 above, the amendment shall be communicated by the Organization to all Parties to the present Protocol for acceptance.

6. The amendment shall be deemed to have been accepted at the end of a period of six months after it has been communicated, unless within that period an objection to the amendment has been communicated to the Organization by not less than one-third of the Parties to the present Protocol.

7. An amendment deemed to have been accepted in accordance with paragraph 6 above shall enter into force three months after its acceptance for all Parties to the present Protocol, with the exception of those which before that date have made a declaration of non-acceptance of the said amendment.

ARTICLE IV

1. The present Protocol shall be open for signature by the States which have signed the Convention referred to in Article II or acceded thereto, and by any State invited to be represented at the International Conference on Marine Pollution 1973. The Protocol shall remain open for signature from 15 January 1974 until 31 December 1974 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the Convention referred to in Article II.

ARTICLE V

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

ARTICLE VI

1. The present Protocol shall enter into force on the ninetieth day following the date on which fifteen States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, provided however that the present Protocol shall not enter into force before the Convention referred to in Article II has entered into force.

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

ARTICLE VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Convention referred to in Article II by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same day as the denunciation of the Convention takes effect in accordance with paragraph 3 of Article XII of that Convention.

ARTICLE VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

ARTICLE IX

1. The present Protocol shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;

(iv) any amendments to the present Protocol or its Annex and any objection or declaration of non-acceptance of the said amendment;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

ARTICLE X

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XI

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, all four texts being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

DONE AT LONDON this second day of November one thousand nine hundred and seventy-three.

ANNEX

LIST OF SUBSTANCES ESTABLISHED BY THE MARINE ENVIRONMENT PROTECTION COMMITTEE OF THE ORGANIZATION IN ACCORDANCE WITH PARAGRAPH 2(a) OF ARTICLE I

1. Oil (when carried in bulk)

Asphalt Solutions

Blending Stocks
Roofers Flux
Straight Run Residue

Oil

Clarified
Mixtures containing Crude Oil
Road Oil
Aromatic Oil (excluding vegetable oil)
Blending Stocks
Mineral Oil

Penetrating Oil
Spindle Oil
Turbine Oil

Distillates

Straight Run
Flashed Feed Stocks

Gas Oil

Cracked

Gasoline Blending Stocks

Alkylates - fuel
Reformates
Polymer - fuel

Gasolines

Casinghead (natural)
Automotive
Aviation
Straight Run

Jet Fuels

JP-1 (Kerosene)
JP-3
JP-4
JP-5 (Kerosene, heavy)
Turbo Fuel
Mineral Spirit

Naphtha

Solvent
Petroleum
Heartcut Distillate Oil

2. Noxious Substances

Acetic anhydride
Acetone
Acetone cyanohydrin
Acrolein
Acrylonitrile
Aldrin
Allyl isothiocyanate
Aluminium phosphide
Ammonia (28% aqueous)
Ammonium phosphate
Amyl mercaptan
Aniline
Aniline hydrochloride
Antimony compounds
Arsenic compounds
Atrazine

Azinphos methyl (Guthion)
Barium azide
Barium cyanide
Barium oxide
Benzene
Benzenehexachloride isomers (Lindane)
Benzidine
Beryllium powder
Bromine
Bromobenzyl cyanide
n-Butyl acrylate
Butyric acid
Cacodylic acid
Cadmium compounds
Carbaryl (Sevin)
Carbon disulphide
Carbontetrachloride
Chlorodane
Chloroacetone
Chloroacetophenone
Chlorodinitrobenzene
Chloroform
Chlorohydrins (crude)
Chloropierin
Chromic acid (Chromium trioxide)
Cocculus (solid)
Copper compounds
Cresols
Cupriethylene diamine
Cyanide compounds
Cyanogen bromide
Cyanogen chloride
DDT
Dichloroanilines
Dichlorobenzenes
Dieldrin
Dimethoate (Cygon)
Dimethyl amine (40% aqueous)
Dinitroanilines
4,6-Dinitroorthocresol
Dinitrophenols
Endosulphan (Thiodan)
Endrin
Epichlorohydrin
Ethyl bromoacetate
Ethylene chlorohydrin (2-Chloro-ethanol)
Ethylene dichloride
Ethyl parathion
Fentin acetate (dry)
Fluosilicic acid
Heptachlor
Hexachlorobenzene
Hexaethyl tetraphosphate
Hydrocyanic acid
Hydrofluoric acid (40% aqueous)
Isoprene
Lead compounds
Lindane (Gammexane, BHC)
Malathion

Mercuric compounds
Methyl alcohol
Methylene chloride
Molasses
Naphthalene (molten)
Naphthylthiourea
Nitric acid (90%)
Oleum
Parathion
Paraquat
Phenol
Phosphoric acid
Phosphorus (elemental)
Polyhalogenated biphenyls
Sodium pentachlorophenate (solution)
Styrene monomer
Toluene
Toluene diisocyanate
Toxaphene
Tritolyl phosphate (Tricresyl phosphate)
2, 4, 5-T

3. Liquefied Gases (when carried in bulk)

Acetaldehyde
Anhydrous Ammonia
Butadiene
Butane
Butane/Propane Mixtures
Butylenes
Chlorine
Dimethylamine
Ethyl Chloride
Ethane
Ethylene
Ethylene Oxide
Methane (LNG)
Methyl Acetylene Propadiene mixture
Methyl Bromide
Methyl Chloride
Propane
Propylene
Vinyl Chloride Monomer
Anhydrous Hydrogen Chloride
Anhydrous Hydrogen Fluoride
Sulphur Dioxide

4. Radioactive Substances

Radioactive substances, including, but not limited to, elements and compounds the isotopes of which are subject to the requirements of Section 835 of the Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, published by the International Atomic Energy Agency, and which may be found to be stored or transported as substances and/or materials in Type A packages, Type B packages, as fissile materials or materials transported under special arrangements, such as

^{60}Co, ^{137}Cs, ^{226}Ra, ^{239}Pu, ^{235}U.

Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, Brussels, 1971

Done at Brussels 17 December 1971

*Entered into force 15 July 1975**

Depositary: International Maritime Organization

Primary source citation: 11 ILM 277 (1972)

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION: CONVENTION RELATING TO CIVIL LIABILITY IN THE FIELD OF MARITIME CARRIAGE OF NUCLEAR MATERIAL

The High Contracting Parties,

CONSIDERING that the Paris Convention of 29 July 1960 or Third Party Liability in the Field of Nuclear Energy and its Additional Protocol of 28 January 1964 (hereinafter referred to as "the Paris Convention") and the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage (hereinafter referred to as "the Vienna Convention") provide that, in the case of damage caused by a nuclear incident occurring in the course of maritime carriage of nuclear material covered by such Conventions, the operator of a nuclear installation is the person liable for such damage,

CONSIDERING that similar provisions exist in the national law in force in certain States,

CONSIDERING that the application of any preceding international Convention in the field of maritime transport is however maintained,

DESIROUS of ensuring that the operator of a nuclear installation will be exclusively liable for damage caused by a nuclear incident occurring in the course of maritime carriage of nuclear material,

HAVE AGREED as follows:

ARTICLE 1

Any person who by virtue of an international convention or national law applicable in the field of maritime transport might be held liable for damage caused by a nuclear incident shall be exonerated from such liability:

* This Convention is not is force for the United States.

(a) if the operator of a nuclear installation is liable for such damage under either the Paris or the Vienna Convention, or

(b) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as either the Paris or the Vienna Convention.

ARTICLE 2

1. The exoneration provided for in Article 1 shall also apply in respect of damage caused by a nuclear incident:

(a) to the nuclear installation itself or to any property on the site of that installation which is used or to be used in connexion with that installation, or

(b) to the means of transport upon which the nuclear material involved was at the time of the nuclear incident,

for which the operator of the nuclear installation is not liable because his liability for such damage has been excluded pursuant to the provisions of either the Paris or the Vienna Convention, or, in cases referred to in Article 1(b), by equivalent provisions of the national law referred to therein.

2. The provisions of paragraph 1 shall not, however, affect the liability of any individual who has caused the damage by an act or omission done with intent to cause damage.

ARTICLE 3

No provision of the present Convention shall affect the liability of the operator of a nuclear ship in respect of damage caused by a nuclear incident involving the nuclear fuel of or radioactive products or waste produced in such ship.

ARTICLE 4

The present Convention shall supersede any international Conventions in the field of maritime transport which, at the date on which the present Convention is opened for signature, are in force or open for signature, ratification or accession but only to the extent that such Conventions would be in conflict with it; however, nothing in this Article shall affect the obligations of the Contracting Parties to the present Convention to non-Contracting States arising under such international Conventions.

ARTICLE 5

1. The present Convention shall be opened for signature in Brussels and shall remain open for signature in London at the Headquarters of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") until 31 December 1972 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to the present Convention by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

ARTICLE 6

1. The present Convention shall enter into force on the ninetieth day following the date on which five States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For any State which subsequently signs the present Convention without reservation as to ratification, acceptance or approval, or deposits its instrument of ratification, acceptance, approval or accession, the Convention shall come into force on the ninetieth day after the date of such signature or deposit.

ARTICLE 7

1. The present Convention may be denounced by any Contracting Party to it at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by a notification in writing delivered to the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Secretary-General of the Organization.

4. Notwithstanding a denunciation by a Contracting Party pursuant to this Article the provisions of the present Convention shall continue to apply to any damage caused by a nuclear incident occurring before the denunciation takes effect.

ARTICLE 8

1. The United Nations where it is the administering authority for a territory, or any Contracting Party to the present Convention responsible for the international relations of a territory, may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Contracting Party which had made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE 9

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting Parties to the present Convention for revising or amending it at the request of not less than one-third of the Contracting Parties.

ARTICLE 10

A Contracting Party may make reservations corresponding to those which it has validly made to the Paris or Vienna Convention. A reservation may be made at the time of signature, ratification, acceptance, approval or accession.

ARTICLE 11

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the present Convention of:

(i) each new signature and each deposit of an instrument together with the date thereof;

(ii) any reservation made in conformity with the present Convention;

(iii) the date of entry into force of the present Convention;

(iv) any denunciation of the present Convention and the date on which it takes effect;

(v) the extension of the present Convention to any territory under paragraph 1 of Article 8 and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) transmit certified true copies of the present Convention to all Signatory States and to all States which have acceded to the present Convention.

3. As soon as the present Convention comes into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 12

The present Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this seventeenth day of December 1971.

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, Brussels, 1971

Done at Brussels 18 December 1971

*Entered into force 16 October 1978**

Depositary: International Maritime Organization

Primary source citation: Senate Executive K, 92d Congress, 2d Session, U.S. Government Printing Office, Washington, 1977

INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

(Supplementary to the International Convention on Civil Liability for Oil Pollution Damage, 1969)

The States Parties to the present Convention,

BEING PARTIES to the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969,

CONSCIOUS of the dangers of pollution posed by the world-wide maritime carriage of oil in bulk,

CONVINCED of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

CONSIDERING that the International Convention of 29 November 1969, on Civil Liability for Oil Pollution Damage, by providing a régime for compensation for pollution damage in Contracting States and for the costs of measures, wherever taken, to prevent or minimize such damage, represents a considerable progress towards the achievement of this aim,

CONSIDERING HOWEVER that this régime does not afford full compensation for victims of oil pollution damage in all cases while it imposes an additional financial burden on shipowners,

CONSIDERING FURTHER that the economic consequences of oil pollution damage resulting from the escape or discharge of oil carried in bulk at sea by ships should not exclusively be borne by the shipping industry but should in part be borne by the oil cargo interests,

* This Convention is not in force for the United States.

CONVINCED of the need to elaborate a compensation and indemnification system supplementary to the International Convention on Civil Liability for Oil Pollution Damage with a view to ensuring that full compensation will be available to victims of oil pollution incidents and that the shipowners are at the same time given relief in respect of the additional financial burdens imposed on them by the said Convention,

TAKING NOTE of the Resolution on the Establishment of an International Compensation Fund for Oil Pollution Damage which was adopted on 29 November 1969 by the International Legal Conference on Marine Pollution Damage,

HAVE AGREED as follows:

General Provisions

Article 1

For the purposes of this Convention—

1. "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969.

2. "Ship", "Person", "Owner", "Oil," "Pollution Damage", "Preventive Measures", "Incident" and "Organization", have the same meaning as in Article I of the Liability Convention, provided however that, for the purposes of these terms, "oil" shall be confined to persistent hydrocarbon mineral oils.

3. "Contributing Oil" means crude oil and fuel oil as defined in sub-paragraphs (a) and (b) below:

(a) "Crude Oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "Topped Crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).

(b) "Fuel Oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification or Number Four Fuel Oil (Designation D 396–69)", or heavier.

4. "Franc" means the unit referred to in Article V, paragraph 9 of the Liability Convention.

5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the Liability Convention.

6. "Ton", in relation to oil, means a metric ton.

7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the Liability Convention.

8. "Terminal installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

9. Where an incident consists of a series of occurrences, it shall be treated as having occurred on the date of the first such occurrence.

Article 2

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund" and hereinafter referred to as "The Fund", is hereby established with the following aims:

(a) to provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;

(b) to give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;

(c) to give effect to the related purposes set out in this Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as "The Director") as the legal representative of the Fund.

Article 3

This Convention shall apply:

1. With regard to compensation according to Article 4, exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State, and to preventive measures taken to prevent or minimize such damage;

2. With regard to indemnification of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory, including the territorial sea, of a State party to the Liability Convention by a ship registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.

Compensation and indemnification

Article 4

1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,

(a) because no liability for the damage arises under the Liability Convention;

(b) because the owner liable for the damage under the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;

(c) because the damage exceeds the owner's liability under the Liability Convention as limited pursuant to Article V, paragraph 1, of that Convention or under the terms of any other international Convention in force or open for signature, ratification or accession at the date of this Convention.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of this Article.

2. The Fund shall incur no obligation under the preceding paragraph if:

(a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government noncommercial service; or

(b) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person provided, however, that there shall be no such exoneration with regard to such preventive measures which are compensated under paragraph 1. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the Liability Convention.

4. (a) Except as otherwise provided in subparagraph (b) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 450 million francs.

(b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 450 million francs.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 450 million francs referred to in paragraph 4, sub-paragraphs (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 900 million francs or be lower than 450 million francs. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.

7. The Fund shall, at the request of a Contracting State, use its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate pollution damage arising from an incident in respect of which the Fund may be called upon to pay compensation under this Convention.

8. The Fund may on conditions to be laid down in the Internal Regulations provide credit facilities with a view to the taking of preventive measures against pollution damage arising from a particular incident in respect of which the Fund may be called upon to pay compensation under this Convention.

Article 5

1. For the purpose of fulfilling its function under Article 2, paragraph 1(b), the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of liability under the Liability Convention which:

(a) is in excess of an amount equivalent to 1,500 francs for each ton of the ship's tonnage or of an amount of 125 million francs, whichever is the less, and

(b) is not in excess of an amount equivalent to 2,000 francs for each ton of the said tonnage or an amount of 210 million francs, whichever is the less,

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

2. The Assembly may decide that the Fund shall, on conditions to be laid down in the Internal Regulations, assume the obligations of a guarantor in respect of ships referred to in Article 3, paragraph 2, with regard to the portion of liability referred to in paragraph 1 of this Article. However, the Fund shall assume such obligations only if the owner so requests and if he maintains adequate insurance or other financial security covering the owner's liability under the Liability Convention up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less. If the Fund assumes such obligations, the owner shall in each Contracting State be considered to have complied with Article VII of the Liability Convention in respect of the portion of his liability mentioned above.

3. The Fund may be exonerated wholly or partially from its obligations under paragraph 1 towards the owner and his guarantor if the Fund proves that as a result of the actual fault or privity of the owner:

(a) the ship from which the oil causing the pollution damage escaped did not comply with the requirements laid down in:

(i) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or

(ii) the International Convention for the Safety of Life at Sea, 1960; or

(iii) the International Convention on Load Lines, 1966; or

(iv) the International Regulations for Preventing Collisions at Sea, 1960; or

(v) any amendments to the above-mentioned Conventions which have been determined as being of an important nature in accordance with Article XVI(5) of the Convention mentioned under (i), Article IX(e) of the Convention mentioned under (ii) or Article 29 (3)(d) or (4)(d) of the Convention mentioned under (iii), provided, however, that such amendments had been in force for at least twelve months at the time of the incident;

and

(b) the incident or damage was caused wholly or partially by such non-compliance.

The provisions of this paragraph shall apply irrespective of whether the Contracting State in which the ship was registered or whose flag it was flying is a Party to the relevant Instrument.

4. Upon the entry into force of a new Convention designed to replace, in whole or in part, any of the Instruments specified in paragraph 3, the Assembly may decide at least six months in advance a date on which the new Convention will replace such Instrument or part thereof for the purpose of paragraph 3. However, any State Party to this Convention may declare to the Director before that date that it does not accept such replacement; in which case the decision of the Assembly shall have no effect in respect of a ship registered in, or flying the flag of, that State at the time of the incident. Such a declaration may be withdrawn at any later date and shall in any event cease to have effect when the State in question becomes a party to such new Convention.

5. A ship complying with the requirements in an amendment to an Instrument specified in paragraph 3 or with requirements in a new Convention, where the amendment or Convention is designed to replace in whole or in part such Instrument, shall be considered as complying with the requirements in the said Instrument for the purposes of paragraph 3.

6. Where the Fund, acting as a guarantor by virtue of paragraph 2, has paid compensation for pollution damage in accordance with the Liability Convention, it shall have a right of recovery from the owner if and to the extent that the Fund would have been exonerated pursuant to paragraph 3 from its obligations under paragraph 1 to indemnify the owner.

7. Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Article.

Article 6

1. Rights to compensation under Article 4 or indemnification under Article 5 shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to Article 7, paragraph 6, within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage.

2. Notwithstanding paragraph 1, the right of the owner or his guarantor to seek indemnification from the Fund pursuant to Article 5, paragraph 1, shall in no case be extinguished before the expiry of a period of six months as from the date on which the owner or his guarantor acquired knowledge of the bringing of an action against him under the Liability Convention.

Article 7

1. Subject to the subsequent provisions of this Article, any action against the Fund for compensation under Article 4 or indemnification under Article 5 of this Convention shall be brought only before a court competent under Article IX of the Liability Convention in respect of actions against the owner who is or who would, but for the provisions of Article III, paragraph 2, of that Convention, have been liable for pollution damage caused by the relevant incident.

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions against the Fund as are referred to in paragraph 1.

3. Where an action for compensation for pollution damage has been brought before a court competent under Article IX of the Liability Convention against the owner of a ship or his guarantor, such court shall have exclusive jurisdictional competence over any action against the Fund for compensation or indemnification under the provisions of Article 4 or 5 of this Convention in respect of the same damage. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court in a State Party to the Liability Convention but not to this Convention, any action against the Fund under Article 4 or under Article 5, paragraph 1, of this Convention shall at the option of the claimant be brought either before a court of the State where the Fund has its headquarters or before any court of a State Party to this Convention competent under Article IX of the Liability Convention.

4. Each Contracting State shall ensure that the Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with Article IX of the Liability Convention before a competent court of that State against the owner of a ship or his guarantor.

5. Except as otherwise provided in paragraph 6, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

6. Without prejudice to the provisions of paragraph 4, where an action under the Liability Convention for compensation for pollution damage has been brought against an owner or his guarantor before a competent court in a Contracting State, each party to the proceedings shall be entitled under the national law of that State to notify the Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgment was given, become binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

Article 8

Subject to any decision concerning the distribution referred to in Article 4, paragraph 5, any judgment given against the Fund by a court having jurisdiction in accordance with Article 7, paragraphs 1 and 3, shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each Contracting State on the same conditions as are prescribed in Article X of the Liability Convention.

Article 9

1. Subject to the provisions of Article 5, the Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the Liability Convention against the owner or his guarantor.

2. Nothing in this Convention shall prejudice any right of recourse or subrogation of the Fund against persons other than those referred to in the preceding paragraph. In any event the right of the Fund to subrogation against such person shall not be less favourable than that of an insurer of the person to whom compensation or indemnification has been paid.

3. Without prejudice to any other rights of subrogation or recourse against the Fund which may exist, a Contracting State or agency thereof which has paid compensation for pollution damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

Contributions

Article 10

1. Contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 11, paragraph 1, as regards initial contributions and in Article 12, paragraphs 2 (a) or (b), as regards annual contributions, has received in total quantities exceeding 150,000 tons:

(a) in the ports or terminal installations in the territory of that state contributing oil carried by sea to such ports or terminal installations; and

(b) in any installations situated in the territory of that Contracting State contributing oil which has been carried by sea and discharged in a port or terminal installation of a non-Contracting State, provided that contributing oil shall only be taken into account by virtue of this sub-paragraph on first receipt in a Contracting State after its discharge in that non-Contracting State.

2. (a) For the purposes of paragraph 1, where the quantity of contributing oil received in the territory of a Contracting State by any person in a calendar year when aggregated with the quantity of contributing oil received in the same Contracting State in that year by any associated person or persons exceeds 150,000 tons, such person shall pay contributions in respect of the actual quantity received by him notwithstanding that that quantity did not exceed 150,000 tons.

(b) "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

Article 11

1. In respect of each Contracting State initial contributions shall be made of an amount which shall for each person referred to in Article 10 be calculated on the basis of a fixed sum for each ton of contributing oil received by him during the calendar year preceding that in which this Convention entered into force for that State.

2. The sum referred to in paragraph 1 shall be determined by the Assembly within two months after the entry into force of this Convention. In performing this function the Assembly shall, to the extent possible, fix the sum in such a way that the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent of the quantities of contributing oil carried by sea in the world, equal 75 million francs.

3. The initial contributions shall in respect of each Contracting State be paid within three months following the date at which the Convention entered into force for that State.

Article 12

1. With a view to assessing for each person referred to in Article 10 the amount of annual contributions due, if any, and taking account of the necessity to maintain sufficient liquid funds, the Assembly shall for each calendar year make an estimate in the form of a budget of:

(i) *Expenditure*

(a) costs and expenses of the administration of the Fund in the relevant year and any deficit from operations in preceding years;

(b) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayment on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident does not exceed 15 million francs;

(c) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayments on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident is in excess of 15 million francs;

(ii) *Income*

(a) surplus funds from operations in preceding years, including any interest;

(b) initial contributions to be paid in the course of the year;

(c) annual contributions, if required to balance the budget;

(d) any other income.

2. For each person referred to in Article 10 the amount of his annual contribution shall be determined by the Assembly and shall be calculated in respect of each Contracting State:

(a) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (a) and (b) on the basis of a fixed sum for each ton of contributing oil received in the relevant State by such persons during the preceding calendar year; and

(b) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (c) of this Article on the basis of a fixed sum for each ton of contributing oil received by such person during the calendar year preceding that in which the incident in question occurred, provided that State was a party to this Convention at the date of the incident.

3. The sums referred to in paragraph 2 above shall be arrived at by dividing the relevant total amount of contributions required by the total amount of contributing oil received in all Contracting States in the relevant year.

4. The Assembly shall decide the portion of the annual contribution which shall be immediately paid in cash and decide on the date of payment. The remaining part of each annual contribution shall be paid upon notification by the Director.

5. The Director may, in cases and in accordance with conditions to be laid down in the Internal Regulations of the Fund, require a contributor to provide financial security for the sums due from him.

6. Any demand for payments made under paragraph 4 shall be called rateably from all individual contributors.

Article 13

1. The amount of any contribution due under Article 12 and which is in arrear shall bear interest at a rate which shall be determined by the Assembly for each calendar year provided that different rates may be fixed for different circumstances.

2. Each Contracting State shall ensure that any obligation to contribute to the Fund arising under this Convention in respect of oil received within the territory of that State is fulfilled and shall take any appropriate measures under its law, including the imposing of such sanctions as it may deem necessary, with a view to the effective execution of any such obligation; provided, however, that such measures shall only be directed against those persons who are under an obligation to contribute to the Fund.

3. Where a person who is liable in accordance with the provisions of Articles 10 and 11 to make contributions to the Fund does not fulfil his obligations in respect of any such contribution or any part thereof and is in arrear for a period exceeding three months, the Director shall take all appropriate action against such person on behalf of the Fund with a view to the recovery of the amount due. However where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

Article 14

1. Each Contracting State may at the time when it deposits its instrument of ratification or accession or at any time thereafter declare that it assumes itself obligations that are incumbent under this Convention on any person who is liable to contribute to the Fund in accordance with Article 10, paragraph 1, in respect of oil received within the territory of that State. Such declaration shall be made in writing and shall specify which obligations are assumed.

2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with Article 40, it shall be deposited with the Secretary-General of the Organization who shall after the entry into force of the Convention communicate the declaration to the Director.

3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.

4. A declaration made in accordance with this Article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such notification shall take effect three months after the Directors receipt thereof.

5. Any State which is bound by a declaration made under this Article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

Article 15

1. Each Contracting State shall ensure that any person who receives contributing oil within its territory in such quantities that he is liable to contribute to the Fund appears on a list to be established and kept up to date by the Director in accordance with the subsequent provisions of this Article.

2. For the purposes set out in paragraph 1, each Contracting State shall communicate, at a time and in the manner to be prescribed in the Internal Regulations, to the Director the name and address of any person who in respect of that State is liable to contribute to the Fund pursuant to Article 10, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year.

3. For the purposes of ascertaining who are, at any given time, the persons liable to contribute to the Fund in accordance with Article 10, paragraph 1, and of establishing, where applicable, the quantities of oil to be taken into account for any such person when determining the amount of his contribution, the list shall be *prima facie* evidence of the facts stated therein.

Organization and Administration

Article 16

The Fund shall have an Assembly, a Secretariat headed by a Director and, in accordance with the provisions of Article 21, an Executive Committee.

Assembly

Article 17

The Assembly shall consist of all Contracting States to this Convention.

Article 18

The functions of the Assembly shall, subject to the provisions of Article 26, be:

1. to elect at each regular session its Chairman and two Vice-Chairmen who shall hold office until the next regular session;

2. to determine its own rules of procedure, subject to the provisions of this Convention;

3. to adopt Internal Regulations necessary for the proper functioning of the Fund;

4. to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;

5. to adopt the annual budget and fix the annual contributions;

6. to appoint auditors and approve the accounts of the Fund;

7. to approve settlements of claims against the Fund, to make decisions in respect of the distribution among claimants of the available amount of compensation in accordance with Article 4, paragraph 5, and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of pollution damage are compensated as promptly as possible;

8. to elect the members of the Assembly to be represented on the Executive Committee, as provided in Articles 21, 22 and 23;

9. to establish any temporary or permanent subsidiary body it may consider to be necessary;

10. to determine which non-Contracting States and which intergovernmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee, and subsidiary bodies;

11. to give instructions concerning the administration of the Fund to the Director, the Executive Committee and subsidiary bodies;

12. to review and approve the reports and activities of the Executive Committee;

13. to supervise the proper execution of the Convention and of its own decisions;

14. to perform such other functions as are allocated to it under the Convention or are otherwise necessary for the proper operation of the Fund.

Article 19

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director; provided, however, that if the Assembly allocates to the Executive Committee the functions specified in Article 18, paragraph 5, regular sessions of the Assembly shall be held once every two years.

2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of the Executive Committee or of at least one-third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the Chairman of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

Article 20

A majority of the members of the Assembly shall constitute a quorum for its meetings.

Executive Committee

Article 21

The Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen.

Article 22

1. The Executive Committee shall consist of one-third of the members of the Assembly but of not less than seven or more than fifteen members. Where the number of members of the Assembly is not divisible by three, the one-third referred to shall be calculated on the next higher number which is divisible by three.

2. When electing the members of the Executive Committee the Assembly shall:

(a) secure an equitable geographical distribution of the seats on the Committee on the basis of an adequate representation of Contracting States particularly exposed to the risks of oil pollution and of Contracting States having large tanker fleets; and

(b) elect one half of the members of the Committee, or in case the total number of members to be elected is uneven, such number of the members as is equivalent to one half of the total number less one, among those Contracting States in the territory of which the largest quantities of oil to be taken into account under Article 10 were received during the preceding calendar year, provided that the number of States eligible under this sub-paragraph shall be limited as shown in the table below:

Total number of members on the committee	Number of States eligible under subparagraph (b)	Number of States to be elected under subparagraph (b)
7	5	3
8	6	4
9	6	4
10	8	5
11	8	5
12	9	6
13	9	6
14	11	7
15	11	7

3. A member of the Assembly which was eligible but was not elected under sub-paragraph (b) shall not be eligible to be elected for any remaining seat on the Executive Committee.

Article 23

1. Members of the Executive Committee shall hold office until the end of the next regular session of the Assembly.

2. Except to the extent that may be necessary for complying with the requirements of Article 22, no State Member of the Assembly may serve on the Executive Committee for more than two consecutive terms.

Article 24

The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his own initiative or at the request of its Chairman or of at least one-third of its members. It shall meet at such places as may be convenient.

Article 25

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings.

Article 26

1. The functions of the Executive Committee shall be:

(a) to elect its Chairman and adopt its own rules of procedure, except as otherwise provided in this Convention;

(b) to assume and exercise in place of the Assembly the following functions:

(i) making provision for the appointment of such personnel, other than the Director, as may be necessary and determining the terms and conditions of service of such personnel;

(ii) approving settlements of claims against the Fund and taking all other steps envisaged in relation to such claims in Article 18, paragraph 7;

(iii) giving instructions to the Director concerning the administration of the Fund and supervising the proper execution, by him of the Convention, of the decisions of the Assembly and of the Committee's own decisions; and

(c) to perform such other functions as are allocated to it by the Assembly.

2. The Executive Committee shall each year prepare and publish a report of the activities of the Fund during the previous calendar year.

Article 27

Members of the Assembly who are not members of the Executive Committee shall have the right to attend its meetings as observers.

Secretariat

Article 28

1. The Secretariat shall comprise the Director and such staff as the administration of the Fund may require.

2. The Director shall be the legal representative of the Fund.

Article 29

1. The Director shall be the chief administrative officer of the Fund and shall, subject to the instructions given to him by the Assembly and by the Executive Committee, perform those functions which are assigned to him by this Convention, the Internal Regulations, the Assembly and the Executive Committee.

2. The Director shall in particular:

(a) appoint the personnel required for the administration of the Fund;

(b) take all appropriate measures with a view to the proper administration of the Fund's assets;

(c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;

(d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;

(e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the International Regulations, including the final settlement of claims without the prior approval of the Assembly or the Executive Committee where these Regulations so provide;

(f) prepare and submit to the Assembly or to the Executive Committee, as the case may be, the financial statements and budget estimates for each calendar year;

(g) assist the Executive Committee in the preparation of the report referred to in Article 26, paragraph 2;

(h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Executive Committee and subsidiary bodies.

Article 30

In the performance of their duties the Director and the staff and experts appointed by him shall not seek or receive instructions from any Government or from any authority external to the Fund. They shall refrain from any action which might reflect on their position as international officials. Each Contracting State on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by him, and not to seek to influence them in the discharge of their duties.

Finances

Article 31

1. Each Contracting State shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Executive Committee and on subsidiary bodies.

2. Any other expenses incurred in the operation of the Fund shall be borne by the Fund.

Voting

Article 32

The following provisions shall apply to voting in the Assembly and the Executive Committee:

(a) each member shall have one vote;

(b) except as otherwise provided in Article 33, decisions of the Assembly and the Executive Committee shall be by a majority vote of the members present and voting;

(c) decisions where a three-fourths or a two-thirds majority is required shall be by a three-fourths or two-thirds majority vote, as the case may be, of those present;

(d) for the purpose of this Article the phrase "members present" means "members present at the meeting at the time of the vote", and the phrase "members present and voting" means "members present and casting an affirmative or negative vote". Members who abstain from voting shall be considered as not voting.

Article 33

1. The following decisions of the Assembly shall require a three-fourths majority:

(a) an increase in accordance with Article 4, paragraph 6, in the maximum amount of compensation payable by the Fund;

(b) a determination, under Article 5, paragraph 4, relating to the replacement of the Instruments referred to in that paragraph;

(c) the allocation to the Executive Committee of the functions specified in Article 15, paragraph 5.

2. The following decisions of the Assembly shall require a two-thirds majority:

(a) a decision under Article 13, paragraph 3, not to take or continue action against a contributor;

(b) the appointment of the Director under Article 18, paragraph 4;

(c) the establishment of subsidiary bodies, under Article 18, paragraph 9.

Article 34

1. The Fund, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

2. When the Fund makes substantial purchases of movable or immovable property, or has important work carried out which is necessary for the exercise of its official activities and the cost of which includes indirect taxes or sales taxes, the Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes.

3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.

4. The Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the government of that country.

5. Persons contributing to the Fund and victims and owners of ships receiving compensation from the Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.

6. Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the Fund except in so far as it may be strictly necessary to enable the Fund to carry out its functions including the bringing and defending of legal proceedings.

7. Independently of existing or future regulations concerning currency or transfers, Contracting States shall authorize the transfer and payment of any contribution to the Fund and of any compensation paid by the Fund without any restriction.

Transitional Provisions

Article 35

1. The Fund shall incur no obligation whatsoever under Article 4 or 5 in respect of incidents occurring within a period of one hundred and twenty days after the entry into force of this Convention.

2. Claims for compensation under Article 4 and claims for indemnification under Article 5, arising from incidents occurring later than one hundred and twenty days but not later than two hundred and forty days after the

entry into force of this Convention may not be brought against the Fund prior to the elapse of the two hundred and fortieth day after the entry into force of this Convention.

Article 36

The Secretary-General of the Organization shall convene the first session of the Assembly. This session shall take place as soon as possible after entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

Final Clauses

Article 37

1. This Convention shall be open for signature by the States which have signed or which accede to the Liability Convention, and by any State represented at the Conference on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The Convention shall remain open for signature until 31 December 1972.

2. Subject to paragraph 4, this Convention shall be ratified, accepted or approved by the States which have signed it.

3. Subject to paragraph 4, this Convention is open for accession by States which did not sign it.

4. This Convention may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the Liability Convention.

Article 38

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing Contracting States or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article 39

Before this Convention comes into force a State shall, when depositing an instrument referred to in Article 38, paragraph 1, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

Article 40

1. This Convention shall enter into force on the ninetieth day following the date on which the following requirements are fulfilled:

(a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, and

(b) the Secretary-General of the Organization has received information in accordance with Article 39 that those persons in such States who would be liable to contribute pursuant to Article 10

have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, this Convention shall not enter into force before the Liability Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, this Convention shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article 41

1. This Convention may be denounced by any Contracting State at any time after the date of which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Liability Convention shall be deemed to be a denunciation of this Convention. Such denunciation shall take effect on the same date as the denunciation of the Liability Convention takes effect according to paragraph 3 of Article XVI of that Convention.

5. Notwithstanding a denunciation by a Contracting State pursuant to this Article, any provisions of this Convention relating to the obligations to make contributions under Article 10 with respect to an incident referred to in Article 12, paragraph 2(b), and occurring before the denunciation takes effect shall continue to apply.

Article 42

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions for the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which that denunciation takes effect, denounce this Convention with effect from the same date.

Article 43

1. This Convention shall cease to be in force on the date when the number of Contracting States falls below three.

2. Contracting States which are bound by this Convention on the date before the day it ceases to be in force shall enable the Fund to exercise its functions as described under Article 44 and shall, for that purpose only, remain bound by this Convention.

Article 44

1. If this Convention ceases to be in force, the Fund shall nevertheless

(a) meet its obligations in respect of any incident occurring before the Convention ceased to be in force;

(b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under sub-paragraph (a), including expenses for the administration of the Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.

3. For the purposes of this Article the Fund shall remain a legal person.

Article 45

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting States for the purpose of revising or amending this Convention at the request of not less than one-third of all Contracting States.

Article 46

1. This Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to this Convention of:

(i) each new signature or deposit of instrument and the date thereof;

(ii) the date of entry into force of the Convention;

(iii) any denunciation of the Convention and the date on which it takes effect;

(b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to the Convention.

Article 47

As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 48

This Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorized for that purpose have signed the present Convention.

DONE at Brussels this eighteenth day of December one thousand nine hundred and seventy-one.

Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1976

Done at London 19 November 1976

Not in force

Primary source citation: 16 ILM 621 (1977)

LEG/UA/CONF.2/4
19 November 1976

Original: ENGLISH

CONFERENCE TO REVISE THE UNIT OF ACCOUNT PROVISIONS IN THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

IMCO
PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

THE PARTIES TO THE PRESENT PROTOCOL,

HAVING CONSIDERED the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 17 December 1971;

HAVE AGREED AS FOLLOWS:

Article I

For the purpose of the present Protocol:

1. "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

2. "Liability Convention" has the same meaning as in the Convention.

3. "Organization" has the same meaning as in the Convention.

4. "Secretary-General" means the Secretary-General of the Organization.

Article II

Article 1, paragraph 4 of the Convention is replaced by the following text:

"Unit of Account" or "Monetary Unit" means the unit of account or monetary unit as the case may be, referred to in Article V of the Liability Convention, as amended by the Protocol thereto adopted on 19 November 1976.

Article III

The amounts referred to in the Convention shall wherever they appear be amended as follows:

(a) Article 4:

(i) "450 million francs" is replaced by "30 million units of account or 450 million monetary units";

(ii) "900 million francs" is replaced by "60 million units of account or 900 million monetary units".

(b) In Article 5:

(i) "1,500 francs" is replaced by "100 units of account or 1,500 monetary units";

(ii) "125 million francs" is replaced by "8,333,000 units of account or 125 million monetary units";

(iii) "2,000 francs" is replaced by "133 units of account or 2,000 monetary units";

(iv) "210 million francs" is replaced by "14 million units of account or 210 million monetary units".

(c) In Article 11, "75 million francs" is replaced by "5 million units of account or 75 million monetary units".

(d) In Article 12, "15 million francs" is replaced by "1 million units of account or 15 million monetary units".

Article IV

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, held in London from 17 to 19 November 1976. The Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article V

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

Article VI

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which the following requirements are fulfilled:

   (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General, and

   (b) the Secretary-General has received information in accordance with Article 39 of the Convention that those persons in such States who would be liable to contribute pursuant to Article 10 of the Convention have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, the present Protocol shall not enter into force before the Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article IX

1. The present Protocol shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;

(iv) any amendments to the present Protocol.

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article X

As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XI

The present Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

DONE AT LONDON this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1984

Done at London 25 May 1984

Not in force

Primary source citation: Senate Treaty Document 99-12, 99th Congress, 1st Session, U.S. Government Printing Office, Washington, 1985

PROTOCOL OF 1984 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

THE STATES PARTIES TO THE PRESENT PROTOCOL,

CONSIDERING that it is desirable to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971, to provide for improved scope and enhanced compensation,

RECOGNIZING the advantage for the States Parties of arranging for the amended Convention to coexist with and be supplementary to the original Convention for a transitional period,

CONVINCED that the economic consequences of pollution damage resulting from the carriage of oil in bulk at sea by ships should continue to be shared by the shipping industry and by the oil cargo interests,

BEARING IN MIND the adoption of the Protocol of 1984 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the "1971 Fund Convention". For States Parties to the Protocol of 1976 to the 1971 Fund Convention, such reference shall be deemed to include the 1971 Fund Convention as amended by that Protocol.

Article 2

Article 1 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. "1984 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1984.

2. After paragraph 1 a new paragraph is inserted as follows:

1 bis. "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1971 Fund Convention as amended by that Protocol.

3. Paragraph 2 is replaced by the following text:

2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident", and "Organization" have the same meaning as in Article I of the 1984 Liability Convention.

4. Paragraph 4 is replaced by the following text:

4. "Unit of account" has the same meaning as in Article V, paragraph 9, of the 1984 Liability Convention.

5. Paragraph 5 is replaced by the following text:

5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the 1984 Liability Convention.

6. Paragraph 7 is replaced by the following text:

7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the 1984 Liability Convention.

Article 3

Article 2 of the 1971 Fund Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund 1984" and hereinafter referred to as "the Fund", is hereby established with the following aims:

(a) to provide compensation for pollution damage to the extent that the protection afforded by the 1984 Liability Convention is inadequate;

(b) to give effect to the related purposes set out in this Convention.

Article 4

Article 3 of the 1971 Fund Convention is replaced by the following text:

This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 5

The heading to Articles 4 to 9 of the 1971 Fund Convention is amended by deleting the words "and indemnification".

Article 6

Article 4 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the five references to "the Liability Convention" are replaced by references to "the 1984 Liability Convention".

2. Paragraph 3 is replaced by the following text:

3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with the intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the 1984 Liability Convention. However, there shall be no such exoneration of the Fund with regard to preventive measures.

3. Paragraph 4 is replaced by the following text:

4. (a) Except as otherwise provided in subparagraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the 1984 Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.

(b) Except as otherwise provided in subparagraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional inevitable and irresistible character shall not exceed 135 million units of account.

(c) The maximum amount of compensation referred to in subparagraphs (a) and (b) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.

(d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the 1984 Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.

(e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.

4. Paragraph 5 is replaced by the following text:

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between my established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

5. Paragraph 6 is replaced by the following text:

6. The Assembly of the Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner of the ship has not constituted a fund in accordance with Article V, paragraph 3, of the 1984 Liability Convention. In such case paragraph 4(e) of this Article applies accordingly.

Article 7

Article 5 of the 1971 Fund Convention is deleted.

Article 8

Article 6 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the paragraph number and the words "or indemnification under Article 5" are deleted.

2. Paragraph 2 is deleted.

Article 9

Article 7 of the 1971 Fund Convention is amended as follows:

1. In paragraphs 1, 3, 4 and 6 the seven references to "the Liability Convention" are replaced by references to "the 1984 Liability Convention".

2. In paragraph 1 the words "or indemnification under Article 5" are deleted.

3. In the first sentence of paragraph 3 the words "or indemnification" and "or 5" are deleted.

4. In the second sentence of paragraph 3 the words "or under Article 5, paragraph 1," are deleted.

Article 10

In Article 8 of the 1971 Fund Convention the reference to "the Liability Convention" is replaced by a reference to "the 1984 Liability Convention".

Article 11

Article 9 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the 1984 Liability Convention against the owner or his guarantor.

2. In paragraph 2 the words "or indemnification" are deleted.

Article 12

Article 10 of the 1971 Fund Convention is amended as follows:

The opening phrase of paragraph 1 is replaced by the following text:

Annual contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 12, paragraphs 2(a) or (b), has received in total quantities exceeding 150,000 tons:

Article 13

Article 11 of the 1971 Fund Convention is deleted.

Article 14

Article 12 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase of paragraph 1 the words "for each person referred to in Article 10" are deleted.

2. In paragraph 1(i), subparagraphs (b) and (c), the words "or 5" are deleted and the words "15 million francs" are replaced by the words "four million units of account".

3. The opening phrase in paragraph 2 is replaced by the following text:

The Assembly shall decide the total amount of contributions to be levied. On the basis of that decision, the Director shall, in respect of each Contracting State, calculate for each person referred to in Article 10 the amount of his annual contribution:

4. Paragraph 4 is replaced by the following text:

4. The annual contribution shall be due on the date to be laid down in the Internal Regulations of the Fund. The Assembly may decide on a different date of payment.

5. Paragraph 5 is replaced by the following text:

5. The Assembly may decide, under conditions to be laid down in the Financial Regulations of the Fund, to make transfers between funds received in accordance with Article 12.2(a) and funds received in accordance with Article 12.2(b).

6. Paragraph 6 is deleted.

Article 15

Article 13 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The amount of any contribution due under Article 12 and which is in arrear shall bear interest at a rate which shall be determined in accordance with the Internal Regulations of the Fund, provided that different rates may be fixed for different circumstances.

2. In paragraph 3 the words "Articles 10 and 11" are replaced by the words "Articles 10 and 12" and the words "for a period exceeding three months" are deleted.

Article 16

A new paragraph 4 is added to Article 15 of the 1971 Fund Convention:

4. Where a Contracting State does not fulfil its obligations to submit to the Director the communication referred to in paragraph 2 and this results in a financial loss for the Fund, that Contracting State shall be liable to compensate the Fund for such loss. The Assembly shall, on the recommendation of the Director, decide whether such compensation shall be payable by a Contracting State.

Article 17

Article 16 of the 1971 Fund Convention is replaced by the following text:

The Fund shall have an Assembly and a Secretariat headed by a Director.

Article 18

Article 18 of the 1971 Fund Convention is amended as follows:

1. Paragraph 8 is deleted.

2. Paragraph 9 is replaced by the following text:

9. to establish any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to secure an equitable geographical distribution of members and to ensure that the Contracting States, in respect of which the largest quantities of contributing oil are being received, are appropriately represented; the Rules of Procedure of the Assembly may be applied, mutatis mutandis, for the work of such subsidiary body;

3. In paragraph 10 the words ", the Executive Committee," are deleted.

4. In paragraph 11 the words ", the Executive Committee" are deleted.

5. Paragraph 12 is deleted.

Article 19

Article 19 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.

2. In paragraph 2 the words "of the Executive Committee or" are deleted.

Article 20

Articles 21 to 27 of the 1971 Fund Convention and the heading to these articles are deleted.

Article 21

Article 29 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.

2. In paragraph 2(e) the words "or the Executive Committee" are deleted.

3. In paragraph 2(f) the words "or to the Executive Committee, as the case may be," are deleted.

4. Paragraph 2(g) is replaced by the following text:

   (g) prepare, in consultation with the Chairman of the Assembly, and publish a report of the activities of the Fund during the previous calendar year;

5. In paragraph 2(h) the words ", the Executive Committee" are deleted.

Article 22

In Article 31, paragraph 1, of the 1971 Fund Convention, the words "on the Executive Committee and" are deleted.

Article 23

Article 32 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase the words "and the Executive Committee" are deleted.

2. In subparagraph (b) the words "and the Executive Committee" are deleted.

Article 24

Article 33 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is deleted.

2. In paragraph 2 the paragraph number is deleted.

3. Subparagraph (c) is replaced by the following text:

   (c) the establishment of subsidiary bodies, under Article 18, paragraph 9, and matters relating to such establishment.

Article 25

Article 35 of the 1971 Fund Convention is replaced by the following text:

> Claims for compensation under Article 4 arising from incidents occurring after the date of entry into force of this Convention may not be brought against the Fund earlier than the one hundred and twentieth day after that date.

Article 26

After Article 36 of the 1971 Fund Convention three new articles are inserted as follows:

Article 36 bis

The following transitional provisions shall apply in the period, hereinafter referred to as the transitional period, commencing with the date of entry into force of this Convention and ending with the date on which the denunciations provided for in Article 31 of the Protocol of 1984 to amend the 1971 Fund Convention take effect:

(a) In the application of paragraph 1(a) of Article 2 of this Convention, the reference to the 1984 Liability Convention shall include reference to the International Convention on Civil Liability for Oil Pollution Damage, 1969, either in its original version or as amended by the Protocol thereto of 1976 (referred to in this Article as "the 1969 Liability Convention"), and also the 1971 Fund Convention.

(b) Where an incident has caused pollution damage within the scope of this Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person has been unable to obtain full and adequate compensation for the damage under the terms of the 1969 Liability Convention, the 1971 Fund Convention and the 1984 Liability Convention, provided that, in respect of pollution damage within the scope of this Convention in respect of a Party to this Convention but not a Party to the 1971 Fund Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person would have been unable to obtain full and adequate compensation had that State been party to each of the above-mentioned Conventions.

(c) In the application of Article 4 of this Convention, the amount to be taken into account in determining the aggregate amount of compensation payable by the Fund shall also include the amount of compensation actually paid under the 1969 Liability Convention, if any, and the amount of compensation actually paid or deemed to have been paid under the 1971 Fund Convention.

(d) Paragraph 1 of Article 9 of this Convention shall also apply to the rights enjoyed under the 1969 Liability Convention.

Article 36 ter

Notwithstanding the provisions of this Convention, the following provisions shall apply to the administration of the Fund during the period in which both the 1971 Fund Convention and this Convention are in force:

(a) The Secretariat of the Fund, established by the 1971 Fund Convention (hereinafter referred to as "the 1971 Fund"), headed by the Director, may also function as the Secretariat and the Director of the Fund.

(b) If, in accordance with subparagraph (a), the Secretariat and the Director of the 1971 Fund also perform the function of Secretariat and Director of the Fund, the Fund shall be represented, in cases of conflict of interests between the 1971 Fund and the Fund, by the Chairman of the Assembly of the Fund.

(c) The Director and the staff and experts appointed by him, performing their duties under this Convention and the 1971 Fund Convention, shall not be regarded as contravening the provisions of Article 30 of this Convention in so far as they discharge their duties in accordance with this Article.

(d) The Assembly of the Fund shall endeavour not to take decisions which are incompatible with decisions taken by the Assembly of the 1971 Fund. If differences of opinion with respect to common administrative issues arise, the Assembly of the Fund shall try to reach a consensus with the Assembly of the 1971 Fund, in a spirit of mutual co-operation and with the common aims of both Organizations in mind.

(e) The Fund may succeed to the rights, obligations and assets of the 1971 Fund if the Assembly of the 1971 Fund so decides, in accordance with Article 44, paragraph 2, of the 1971 Fund Convention.

(f) The Fund shall reimburse to the 1971 Fund all costs and expenses arising from administrative services performed by the 1971 Fund on behalf of the Fund.

Article 36 quater

Final clauses

The final clauses of this Convention shall be Articles 28 to 39 of the Protocol of 1984 to amend the 1971 Fund Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 27

1. The 1971 Fund Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. Articles 1 to 36 quater of the 1971 Fund Convention as amended by this Protocol shall be known as the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1984 (1984 Fund Convention).

FINAL CLAUSES

Article 28

Signature, ratification, etc.

1. This Protocol shall be open for signature at London from 1 December 1984 to 30 November 1985 by any State which has signed the 1984 Liability Convention.

2. Subject to paragraph 4, this Protocol shall be ratified, accepted or approved by States which have signed it.

3. Subject to paragraph 4, this Protocol is open for accession by States which did not sign it.

4. This Protocol may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the 1984 Liability Convention.

5. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

6. A State which is a Party to this Protocol but is not a Party to the 1971 Fund Convention shall be bound by the provisions of the 1971 Fund Convention as amended by this Protocol in relation to other Parties hereto, but shall not be bound by the provisions of the 1971 Fund Convention in relation to Parties thereto.

7. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1971 Fund Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 29

Information on contributing oil

1. Before this Protocol comes into force for a State, that State shall, when depositing an instrument referred to in Article 28, paragraph 5, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

2. During the transitional period, the Director shall, for Parties, communicate annually to the Secretary-General of the Organization data on quantities of contributing oil received by persons liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol.

Article 30

Entry into force

1. This Protocol shall enter into force twelve months following the date on which the following requirements are fulfilled:

(a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization; and

(b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 600 million tons of contributing oil.

2. However, this Protocol shall not enter into force before the 1984 Liability Convention has entered into force.

3. For each State which ratifies, accepts, approves or accedes to this Protocol after the conditions in paragraph 1 for entry into force have been met, the Protocol shall enter into force twelve months following the date of the deposit by such State of the appropriate instrument.

4. Any State may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol declare that such instrument shall not take effect for the purpose of this Article until the end of the six-month period in Article 31.

5. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, and any State making such a withdrawal shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession respect of this Protocol on that date.

6. Any State which has made a declaration under Article 13, paragraph 2, of the Protocol of 1984 to amend the 1969 Liability Convention shall be deemed to have also made a declaration under paragraph 4 of this Article. Withdrawal of a declaration under the said Article 13, paragraph 2, shall be deemed to constitute withdrawal also under paragraph 5 of this Article.

Article 31

Denunciation of 1969 and 1971 Conventions

Subject to Article 30, within six months following the date on which the following requirements are fulfilled:

(a) at least eight States have become Parties to this Protocol or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, whether or not subject to Article 30, paragraph 4, and

(b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who are or would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil;

each Party to this Protocol and each State which has deposited an instrument of ratification, acceptance, approval or accession, whether or not subject to Article 30, paragraph 4, shall, if party thereto, denounce the 1971 Fund Convention and the 1969 Liability Convention with effect twelve months after the expiry of the above-mentioned six-month period.

Article 32

Revision and amendment

1. A conference for the purpose of revising or amending the 1984 Fund Convention may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1984 Fund Convention at the request of not less than one-third of all Contracting States.

Article 33

Amendment of compensation limits

1. Upon the request of at least one-quarter of the Contracting States, any proposal to amend the limits of amounts of compensation laid down in Article 4, paragraph 4, of the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one-half of the Contracting States shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom and changes in the monetary values. It shall also take into account the relationship between the limits in Article 4, paragraph 4, of the Convention as amended by this Protocol and those in Article V, paragraph 1 of the International Convention on Civil Liability for Oil Pollution Damage, 1984.

6. (a) No amendment of the limits under this Article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis from the date on which this Protocol was opened for signature.

(c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol multiplied by three.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification unless within that period not less than one-quarter of the States that were Contracting States at the time of the adoption of the amendment by the Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 34, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 34

Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the 1984 Liability Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1984 to the 1969 Liability Convention takes effect according to Article 16 of that Protocol.

5. Any Contracting State to this Protocol which has not denounced the 1971 Fund Convention and the 1969 Liability Convention as required by Article 31 shall be deemed to have denounced this Protocol with effect twelve months after the expiry of the six month period in that Article. As from the date on which the denunciations provided for in Article 31 take effect, any Party to this Protocol which deposits an instrument of ratification, acceptance, approval or accession to the 1969 Liability Convention shall be deemed to have denounced this Protocol with effect from the date on which such instrument takes effect.

6. As between the Parties to this Protocol, denunciation by any of them of the 1971 Fund Convention in accordance with Article 41 thereof shall not be construed in any way as a denunciation of the 1971 Fund Convention as amended by this Protocol.

7. Notwithstanding a denunciation of this Protocol by a Party pursuant to this Article, any provisions of this Protocol relating to the obligations to make contributions under Article 10 of the 1971 Fund Convention as amended by this Protocol with respect to an incident referred to in Article 12, paragraph 2(b), of that amended Convention and occurring before the denunciation takes effect shall continue to apply.

Article 35

Extraordinary sessions of the Assembly

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for the remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions of the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which the denunciation takes effect, denounce this Protocol with effect from the same date.

Article 36

Cessation

1. This Protocol shall cease to be in force on the date when the number of Contracting States falls below three.

2. States which are bound by this Protocol on the day before the date it ceases to be in force shall enable the Fund to exercise its functions as described under Article 37 of this Protocol and shall, for that purpose only, remain bound by this Protocol.

Article 37

Winding up of the Fund

1. If this Protocol ceases to be in force, the Fund shall nevertheless:

   (a) meet its obligations in respect of any incident occurring before the Protocol ceased to be in force;

   (b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under subparagraph (a), including expenses for the administration of the Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.

3. For the purposes of this Article the Fund shall remain a legal person.

Article 38

Depositary

1. This Protocol and any amendments accepted under Article 33 shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

   (a) inform all States which have signed or acceded to this Protocol of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) each declaration and notification under Article 30 including declarations and withdrawals deemed to have been made in accordance with that Article;

(iii) the date of entry into force of this Protocol;

(iv) the date by which denunciations provided for in Article 31 are required to be made;

(v) any proposal to amend limits of amounts of compensation which has been made in accordance with Article 33, paragraph 1;

(vi) any amendment which has been adopted in accordance with Article 33, paragraph 4;

(vii) any amendment deemed to have been accepted under Article 33, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;

(viii) the deposit of an instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(ix) any denunciation deemed to have been made under Article 34, paragraph 5;

(x) any communication called for by any Article in this Protocol;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to the Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 39

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this twenty-fifth day of May one thousand nine hundred and eighty-four.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed this Protocol.

Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1992

Done at London 27 November 1992

Not in force

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INTERNATIONAL MARITIME ORGANIZATION

LEG/CONF. 9/16
2 December 1992
Original: ENGLISH

INTERNATIONAL CONFERENCE ON THE REVISION OF THE 1969 CIVIL LIABILITY CONVENTION AND THE 1971 FUND CONVENTION

Agenda item 8

IMO
ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE

PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

THE PARTIES TO THE PRESENT PROTOCOL,

HAVING CONSIDERED the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING the advantage for the States Parties of arranging for the amended Convention to coexist with and be supplementary to the original Convention for a transitional period,

CONVINCED that the economic consequences of pollution damage resulting from the carriage of oil in bulk at sea by ships should continue to be shared by the shipping industry and by the oil cargo interests,

BEARING IN MIND the adoption of the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969,

HAVE AGREED AS FOLLOWS:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the "1971 Fund Convention". For States Parties to the Protocol of 1976 to the 1971 Fund Convention, such reference shall be deemed to include the 1971 Fund Convention as amended by that Protocol.

Article 2

Article 1 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. "1992 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992.

2. After paragraph 1 a new paragraph is inserted as follows:

   1 bis. "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1971 Fund Convention as amended by that Protocol.

3. Paragraph 2 is replaced by the following text:

   2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident", and "Organization" have the same meaning as in Article I of the 1992 Liability Convention.

4. Paragraph 4 is replaced by the following text:

   4. "Unit of account" has the same meaning as in Article V, paragraph 9, of the 1992 Liability Convention.

5. Paragraph 5 is replaced by the following text:

   5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the 1992 Liability Convention.

6. Paragraph 7 is replaced by the following text:

7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the 1992 Liability Convention.

Article 3

Article 2 of the 1971 Fund Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund 1992" and hereinafter referred to as "the Fund", is hereby established with the following aims:

(a) to provide compensation for pollution damage to the extent that the protection afforded by the 1992 Liability Convention is inadequate;

(b) to give effect to the related purposes set out in this Convention.

Article 4

Article 3 of the 1971 Fund Convention is replaced by the following text:

This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 5

The heading to Articles 4 to 9 of the 1971 Fund Convention is amended by deleting the words "and indemnification".

Article 6

Article 4 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the five references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".

2. Paragraph 3 is replaced by the following text:

3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with the intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the 1992 Liability Convention. However, there shall be no such exoneration of the Fund with regard to preventive measures.

3. Paragraph 4 is replaced by the following text:

4. (a) Except as otherwise provided in subparagraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the 1992 Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.

(b) Except as otherwise provided in subparagraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional inevitable and irresistible character shall not exceed 135 million units of account.

(c) The maximum amount of compensation referred to in subparagraphs (a) and (b) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.

(d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the 1992 Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.

(e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.

4. Paragraph 5 is replaced by the following text:

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

5. Paragraph 6 is replaced by the following text:

6. The Assembly of the Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner of the ship has not constituted a fund in accordance with Article V, paragraph 3, of the 1992 Liability Convention. In such case paragraph 4(e) of this Article applies accordingly.

Article 7

Article 5 of the 1971 Fund Convention is deleted.

Article 8

Article 6 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the paragraph number and the words "or indemnification under Article 5" are deleted.

2. Paragraph 2 is deleted.

Article 9

Article 7 of the 1971 Fund Convention is amended as follows:

1. In paragraphs 1, 3, 4 and 6 the seven references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".

2. In paragraph 1 the words "or indemnification under Article 5" are deleted.

3. In the first sentence of paragraph 3 the words "or indemnification" and "or 5" are deleted.

4. In the second sentence of paragraph 3 the words "or under Article 5, paragraph 1," are deleted.

Article 10

In Article 8 of the 1971 Fund Convention the reference to "the Liability Convention" is replaced by a reference to "the 1992 Liability Convention".

Article 11

Article 9 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. The Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the 1992 Liability Convention against the owner or his guarantor.

2. In paragraph 2 the words "or indemnification" are deleted.

Article 12

Article 10 of the 1971 Fund Convention is amended as follows:

The opening phrase of paragraph 1 is replaced by the following text:

Annual contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 12, paragraph 2(a) or (b), has received in total quantities exceeding 150,000 tons:

Article 13

Article 11 of the 1971 Fund Convention is deleted.

Article 14

Article 12 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase of paragraph 1 the words "for each person referred to in Article 10" are deleted.

2. In paragraph 1(i), subparagraphs (b) and (c), the words "or 5" deleted and the words "15 million francs" are replaced by the words "15 million units of account".

3. Subparagraph 1(ii)(b) is deleted.

4. In paragraph 1(ii), subparagraph (c) becomes (b) and subparagraph (d) becomes (c).

5. The opening phrase in paragraph 2 is replaced by the following text:

   The Assembly shall decide the total amount of contributions to be levied. On the basis of that decision, the Director shall, in respect of each Contracting State, calculate for each person referred to in Article 10 the amount of his annual contribution:

6. Paragraph 4 is replaced by the following text:

   4. The annual contribution shall be due on the date to be laid down in the Internal Regulations of the Fund. The Assembly may decide on a different date of payment.

7. Paragraph 5 is replaced by the following text:

   5. The Assembly may decide, under conditions to be laid down in the Financial Regulations of the Fund, to make transfers between funds received in accordance with Article 12.2(a) and funds received in accordance with Article 12.2(b).

8. Paragraph 6 is deleted.

Article 15

Article 13 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. The amount of any contribution due under Article 12 and which is in arrears shall bear interest at a rate which shall be determined in accordance with the Internal Regulations of the Fund, provided that different rates may be fixed for different circumstances.

2. In paragraph 3 the words "Articles 10 and 11" are replaced by the words "Articles 10 and 12" and the words "for a period exceeding three months" are deleted.

Article 16

A new paragraph 4 is added to Article 15 of the 1971 Fund Convention:

4. Where a Contracting State does not fulfil its obligations to submit to the Director the communication referred to in paragraph 2 and this results in a financial loss for the Fund, that Contracting State shall be liable to compensate the Fund for such loss. The Assembly shall, on the recommendation of the Director, decide whether such compensation shall be payable by that Contracting State.

Article 17

Article 16 of the 1971 Fund Convention is replaced by the following text:

The Fund shall have an Assembly and a Secretariat headed by a Director.

Article 18

Article 18 of the 1971 Fund Convention is amended as follows:

1. In the opening sentence of the article the words ", subject to the provisions of Article 26," are deleted.

2. Paragraph 8 is deleted.

3. Paragraph 9 is replaced by the following text:

   9. to establish any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to secure an equitable geographical distribution of members and to ensure that the Contracting States, in respect of which the largest quantities of contributing oil are being received, are appropriately represented; the Rules of Procedure of the Assembly may be applied, mutatis mutandis, for the work of such subsidiary body;

4. In paragraph 10 the words ", the Executive Committee," are deleted.

5. In paragraph 11 the words ", the Executive Committee" are deleted.

6. Paragraph 12 is deleted.

Article 19

Article 19 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

   1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.

2. In paragraph 2 the words "of the Executive Committee or" are deleted.

Article 20

Articles 21 to 27 of the 1971 Fund Convention and the heading to these articles are deleted.

Article 21

Article 29 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.

2. In paragraph 2(e) the words "or the Executive Committee" are deleted.

3. In paragraph 2(f) the words "or to the Executive Committee, as the case may be," are deleted.

4. Paragraph 2(g) is replaced by the following text:

(g) prepare, in consultation with the Chairman of the Assembly, and publish a report of the activities of the Fund during the previous calendar year;

5. In paragraph 2(h) the words ", the Executive Committee" are deleted.

Article 22

In Article 31, paragraph 1, of the 1971 Fund Convention, the words "on the Executive Committee and" are deleted.

Article 23

Article 32 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase the words "and the Executive Committee" are deleted.

2. In subparagraph (b) the words "and the Executive Committee" are deleted.

Article 24

Article 33 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is deleted.

2. In paragraph 2 the paragraph number is deleted.

3. Subparagraph (c) is replaced by the following text:

(c) the establishment of subsidiary bodies, under Article 18, paragraph 9, and matters relating to such establishment.

Article 25

Article 35 of the 1971 Fund Convention is replaced by the following text:

Claims for compensation under Article 4 arising from incidents occurring after the date of entry into force of this Convention may not be brought against the Fund earlier than the one hundred and twentieth day after that date.

Article 26

After Article 36 of the 1971 Fund Convention four new articles are inserted as follows:

Article 36 bis

The following transitional provisions shall apply in the period, hereinafter referred to as the transitional period, commencing with the date of entry into force of this Convention and ending with the date on which the denunciations provided for in Article 31 of the 1992 Protocol to amend the 1971 Fund Convention take effect:

(a) In the application of paragraph 1(a) of Article 2 of this Convention, the reference to the 1992 Liability Convention shall include reference to the International Convention on Civil Liability for Oil Pollution Damage, 1969, either in its original version or as amended by the Protocol thereto of 1976 (referred to in this Article as "the 1969 Liability Convention"), and also the 1971 Fund Convention.

(b) Where an incident has caused pollution damage within the scope of this Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person has been unable to obtain full and adequate compensation for the damage under the terms of the 1969 Liability Convention, the 1971 Fund Convention and the 1992 Liability Convention, provided that, in respect of pollution damage within the scope of this Convention in respect of a Party to this Convention but not a Party to the 1971 Fund Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person would have been unable to obtain full and adequate compensation had that State been party to each of the above-mentioned Conventions.

(c) In the application of Article 4 of this Convention, the amount to be taken into account in determining the aggregate amount of compensation payable by the Fund shall also include the amount of compensation actually paid under the 1969 Liability Convention, if any, and the amount of compensation actually paid or deemed to have been paid under the 1971 Fund Convention.

(d) Paragraph 1 of Article 9 of this Convention shall also apply to the rights enjoyed under the 1969 Liability Convention.

Article 36 ter

1 Subject to paragraph 4 of this Article, the aggregate amount of the annual contributions payable in respect of contributing oil received in a single Contracting State during a calendar year shall not exceed 27.5% of the total amount of annual contributions pursuant to the 1992 Protocol to amend the 1971 Fund Convention, in respect of that calendar year.

2 If the application of the provisions in paragraphs 2 and 3 of Article 12 would result in the aggregate amount of the contributions payable by contributors in a single Contracting State in respect of a given calendar year exceeding 27.5% of the total annual contributions, the contributions payable by all contributors in that State shall be reduced pro rata so that their aggregate contributions equal 27.5% of the total annual contributions to the Fund in respect of that year.

3 If the contributions payable by persons in a given Contracting State shall be reduced pursuant to paragraph 2 of this Article, the contributions payable by persons in all other Contracting States shall be increased pro rata so as to ensure that the total amount of contributions payable by all persons liable to contribute to the Fund in respect of the calendar year in question will reach the total amount of contributions decided by the Assembly.

4 The provisions in paragraphs 1 to 3 of this Article shall operate until the total quantity of contributing oil received in all Contracting States in a calendar year has reached 750 million tons or until a period of 5 years after the date of entry into force of the said 1992 Protocol has elapsed, whichever occurs earlier.

Article 36 quater

Notwithstanding the provisions of this Convention, the following provisions shall apply to the administration of the Fund during the period in which both the 1971 Fund Convention and this Convention are in force:

(a) The Secretariat of the Fund, established by the 1971 Fund Convention (hereinafter referred to as "the 1971 Fund"), headed by the Director, may also function as the Secretariat and the Director of the Fund.

(b) If, in accordance with subparagraph (a), the Secretariat and the Director of the 1971 Fund also perform the function of Secretariat and Director of the Fund, the Fund shall be represented, in cases of conflict of interests between the 1971 Fund and the Fund, by the Chairman of the Assembly of the Fund.

(c) The Director and the staff and experts appointed by him, performing their duties under this Convention and the 1971 Fund Convention, shall not be regarded as contravening the provisions of Article 30 of this Convention in so far as they discharge their duties in accordance with this Article.

(d) The Assembly of the Fund shall endeavour not to take decisions which are incompatible with decisions taken by the Assembly of the 1971 Fund. If differences of opinion with respect to common administrative issues arise, the Assembly of the Fund shall try to reach a consensus with the Assembly of the 1971 Fund, in a spirit of mutual co-operation and with the common aims of both organizations in mind.

(e) The Fund may succeed to the rights, obligations and assets of the 1971 Fund if the Assembly of the 1971 Fund so decides, in accordance with Article 44, paragraph 2, of the 1971 Fund Convention.

(f) The Fund shall reimburse to the 1971 Fund all costs and expenses arising from administrative services performed by the 1971 Fund on behalf of the Fund.

Article 36 quinquies

Final clauses

The final clauses of this Convention shall be Articles 28 to 39 of the Protocol of 1992 to amend the 1971 Fund Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 27

1. The 1971 Fund Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. Articles 1 to 36 quinquies of the 1971 Fund Convention as amended by this Protocol shall be known as the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention).

FINAL CLAUSES

Article 28

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by any State which has signed the 1992 Liability Convention.

2. Subject to paragraph 4, this Protocol shall be ratified, accepted or approved by States which have signed it.

3. Subject to paragraph 4, this Protocol is open for accession by States which did not sign it.

4. This Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the 1992 Liability Convention.

5. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

6. A State which is a Party to this Protocol but is not a Party to the 1971 Fund Convention shall be bound by the provisions of the 1971 Fund Convention as amended by this Protocol in relation to other Parties hereto, but shall not be bound by the provisions of the 1971 Fund Convention in relation to Parties thereto.

7. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1971 Fund Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 29

Information on contributing oil

1. Before this Protocol comes into force for a State, that State shall, when depositing an instrument referred to in Article 28, paragraph 5, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

2. During the transitional period, the Director shall, for Parties, communicate annually to the Secretary-General of the Organization data on quantities of contributing oil received by persons liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol.

Article 30

Entry into force

1. This Protocol shall enter into force twelve months following the date on which the following requirements are fulfilled:

(a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization; and

(b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 450 million tons of contributing oil.

2. However, this Protocol shall not enter into force before the 1992 Liability Convention has entered into force.

3. For each State which ratifies, accepts, approves or accedes to this Protocol after the conditions in paragraph 1 for entry into force have been met, the Protocol shall enter into force twelve months following the date of the deposit by such State of the appropriate instrument.

4. Any State may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol declare that such instrument shall not take effect for the purpose of this Article until the end of the six-month period in Article 31.

5. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, and any State making such a withdrawal shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

6. Any State which has made a declaration under Article 13, paragraph 2, of the Protocol of 1992 to amend the 1969 Liability Convention shall be deemed to have also made a declaration under paragraph 4 of this Article. Withdrawal of a declaration under the said Article 13, paragraph 2, shall be deemed to constitute withdrawal also under paragraph 5 of this Article.

Article 31

Denunciation of the 1969 and 1971 Conventions

Subject to Article 30, within six months following the date on which the following requirements are fulfilled:

(a) at least eight States have become Parties to this Protocol or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, whether or not subject to Article 30, paragraph 4, and

(b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who are or would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil;

each Party to this Protocol and each State which has deposited an instrument of ratification, acceptance, approval or accession, whether or not subject to Article 30, paragraph 4, shall, if Party thereto, denounce the 1971 Fund Convention and the 1969 Liability Convention with effect twelve months after the expiry of the above-mentioned six-month period.

Article 32

Revision and amendment

1. A conference for the purpose of revising or amending the 1992 Fund Convention may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Fund Convention at the request of not less than one third of all Contracting States.

Article 33

Amendment of compensation limits

1. Upon the request of at least one quarter of the Contracting States, any proposal to amend the limits of amounts of compensation laid down in Article 4, paragraph 4, of the 1971 Fund Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the 1971 Fund Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom and changes in the monetary values. It shall also take into account the relationship between the limits in Article 4, paragraph 4, of the 1971 Fund Convention as amended by this Protocol and those in Article V, paragraph 1, of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

6. (a) No amendment of the limits under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1971 Fund Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis from 15 January 1993.

(c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1971 Fund Convention as amended by this Protocol multiplied by three.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 34, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 34

Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the 1992 Liability Convention shall be deemed to be denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1969 Liability Convention takes effect according to Article 16 of that Protocol.

5. Any Contracting State to this Protocol which has not denounced the 1971 Fund Convention and the 1969 Liability Convention as required by Article 31 shall be deemed to have denounced this Protocol with effect twelve months after the expiry of the six-month period mentioned in that Article. As from the date on which the denunciations provided for in Article 31 take effect, any Party to this Protocol which deposits an instrument of ratification, acceptance, approval or accession to the 1969 Liability Convention shall be deemed to have denounced this Protocol with effect from the date on which such instrument takes effect.

6. As between the Parties to this Protocol, denunciation by any of them of the 1971 Fund Convention in accordance with Article 41 thereof shall not be construed in any way as a denunciation of the 1971 Fund Convention as amended by this Protocol.

7. Notwithstanding a denunciation of this Protocol by a Party pursuant to this Article, any provisions of this Protocol relating to the obligations to make contributions under Article 10 of the 1971 Fund Convention as amended by this Protocol with respect to an incident referred to in Article 12, paragraph 2(b), of that amended Convention and occurring before the denunciation takes effect shall continue to apply.

Article 35

Extraordinary sessions of the Assembly

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for the remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions of the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which the denunciation takes effect, denounce this Protocol with effect from the same date.

Article 36

Termination

1. This Protocol shall cease to be in force on the date when the number of Contracting States falls below three.

2. States which are bound by this Protocol on the day before the date it ceases to be in force shall enable the Fund to exercise its functions as described under Article 37 of this Protocol and shall, for that purpose only, remain bound by this Protocol.

Article 37

Winding up of the Fund

1. If this Protocol ceases to be in force, the Fund shall nevertheless:

   (a) meet its obligations in respect of any incident occurring before the Protocol ceased to be in force;

   (b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under subparagraph (a), including expenses for the administration of the Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.

3. For the purposes of this Article the Fund shall remain a legal person.

Article 38

Depositary

1. This Protocol and any amendments accepted under Article 33 shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

   (a) inform all States which have signed or acceded to this Protocol of:

      (i) each new signature or deposit of an instrument together with the date thereof;

      (ii) each declaration and notification under Article 30 including declarations and withdrawals deemed to have been made in accordance with that Article;

      (iii) the date of entry into force of this Protocol;

      (iv) the date by which denunciations provided for in Article 31 are required to be made;

      (v) any proposal to amend limits of amounts of compensation which has been made in accordance with Article 33, paragraph 1;

      (vi) any amendment which has been adopted in accordance with Article 33, paragraph 4;

(vii) any amendment deemed to have been accepted under Article 33, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;

(viii) the deposit of an instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(ix) any denunciation deemed to have been made under Article 34, paragraph 5;

(x) any communication called for by any Article in this Protocol;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to the Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 39

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this twenty-seventh day of November one thousand nine hundred and ninety-two.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed this Protocol.

Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 1972

Done at Oslo 15 February 1972

*Entered into force 7 April 1984**

Depositary: Norway

Primary source citation: 11 ILM 262 (1972)

CONVENTION FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties,

Recognizing that the marine environment and the living resources which it supports are of vital importance to all nations;

Mindful that the ecological equilibrium and the legitimate uses of the sea are increasingly threatened by pollution;

Recognizing that concerted action by Governments at national, regional and global levels is essential to prevent and combat marine pollution;

Noting that this pollution has many sources, including dumping from ships and aircraft and discharges through rivers, estuaries, outfalls and pipelines within national jurisdiction, that it is important that States use the best practicable means to prevent such pollution, and that products and processes which will minimize the amount of harmful waste requiring disposal should be developed;

Being convinced that international action to control the pollution of the sea by the dumping of harmful substances from ships and aircraft can and should be taken without delay, but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible;

Considering that the States bordering the North-East Atlantic have a particular responsibility to protect the waters of this region;

Have agreed as follows:

Article 1. The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

* This Convention is not in force for the United States. It will be replaced by the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (see Volume III, page 2545) as between the Contracting Parties to the 1992 Convention.

Article 2. The area to which this Convention applies shall be the high seas and the territorial sea which are situated

a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding

(i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbierg and from Gilbierg Head to the Kullen, and

(ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5°36′ west longitude.

b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

Article 3. The Contracting Parties agree to apply the measures which they adopt in such a way as to prevent the diversion of dumping of harmful substances into seas outside the area to which this Convention applies.

Article 4. The Contracting Parties shall harmonize their policies and introduce, individually and in common, measures to prevent the pollution of the sea by dumping by or from ships and aircraft.

Article 5. The dumping of the substances listed in annex I to this Convention is prohibited.

Article 6. No waste containing such quantities of the substances and materials listed in annex II to this Convention as the Commission established under the provisions of article 16, hereinafter referred to as "the Commission", shall define as significant, shall be dumped without a specific permit in each case from the appropriate national authority or authorities. When such permits are issued, the provisions of annexes II and III to this Convention shall be applied.

Article 7. No substance or material shall be dumped without the approval of the appropriate national authority or authorities. When such approval is granted, the provisions of annex III to this Convention shall be applied.

Article 8. 1) The provisions of articles 5, 6 and 7 shall not apply in case of force majeure due to stress of weather or any other cause when the safety of human life or of a ship or aircraft is threatened. Such dumping shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the substances and materials dumped.

2) The provisions of article 5 shall not apply where these substances occur as trace contaminants in waste to which they have not been added for the purpose of being dumped. However, such dumping shall remain subject to articles 6 and 7.

Article 9. If a Contracting Party in an emergency considers that a substance listed in annex I to this Convention cannot be disposed of on land without unacceptable danger or damage, the Contracting Party concerned shall forthwith consult the Commission. The Commission shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted in pursuance of its recommendation. The Contracting Parties pledge themselves to assist one another in such situations.

Article 10. The composition of the waste shall be ascertained by the appropriate national authority or authorities in accordance with the provisions of annex III to this Convention before any permit or approval for the dumping of waste at sea is issued.

Article 11. Each Contracting Party shall keep, and transmit to the Commission, according to a standard procedure, records of the nature and the quantities of the substances and materials dumped under permits or approvals issued by that Contracting Party, and of the dates, places and methods of dumping.

Article 12. The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research on alternative methods of disposal of harmful substances, and to transmit to

each other the information so obtained. In doing so they will have regard to the work carried out by the appropriate international organizations and agencies.

Article 13. The Contracting Parties agree to institute, in co-operation with appropriate international organizations and agencies, complementary or joint programmes for monitoring the distribution and effects of pollutants in the area to which this Convention applies.

Article 14. The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against pollution caused by oil and oily wastes, other noxious or hazardous cargoes, and radioactive materials.

Article 15. 1) Each Contracting Party undertakes to ensure compliance with the provisions of this Convention:

a) by ships and aircraft registered in its territory;

b) by ships and aircraft loading in its territory the substances and materials which are to be dumped;

c) by ships and aircraft believed to be engaged in dumping within its territorial sea.

2) Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions on the high seas which give rise to suspicions that dumping in contravention of the provisions of the present Convention has occurred or is about to occur. That Contracting Party shall, if it considers it appropriate, report accordingly to any other Contracting Party concerned.

3) Each Contracting Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

4) The Contracting Parties undertake to assist one another as appropriate in dealing with pollution incidents involving dumping at sea, and to exchange information on methods of dealing with such incidents.

5) The Contracting Parties further agree to work together in the development of co-operative procedures for the application of the Convention, particularly on the high seas.

6) Nothing in this Convention shall abridge sovereign immunity to which certain vessels are entitled under international law.

Article 16. A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the rules of procedure.

Article 17. It shall be the duty of the Commission:

a) To exercise overall supervision over the implementation of this Convention;

b) To receive and consider the records of permits and approvals issued and of dumping which has taken place, as provided for in articles 8, 9 and 11 of this Convention, and to define the standard procedure to be adopted for this purpose;

c) To review generally the condition of the seas within the area to which this Convention applies, the efficacy of the control measures being adopted, and the need for any additional or different measures;

d) To keep under review the contents of the annexes to this Convention, and to recommend such amendments, additions or deletions as may be agreed;

e) To discharge such other functions as may be appropriate under the terms of this Convention.

Article 18. 1) The Commission shall draw up its own rules of procedure which shall be adopted by unanimous vote. The Government of Norway shall call the first meeting of the Commission as soon as practicable after the coming into force of this Convention.

2) Recommendations for modification of the annexes to this Convention in accordance with article 17 (*d*) shall be adopted by a unanimous vote in the Commission, and the modifications contained therein shall enter into force after unanimous approval by the Governments of the Contracting Parties.

Article 19. For the purpose of this Convention:

1) "Dumping" means any deliberate disposal of substances and materials into the sea by or from ships or aircraft other than:

a) any discharge incidental to or derived from the normal operation of ships and aircraft and their equipment;

b) the placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Convention.

2) "Ships and aircraft" means sea-going vessels and air-borne craft of any type whatsoever. This expression includes air-cushion craft, floating craft whether self-propelled or not, and fixed or floating platforms.

Article 20. This Convention shall be open for signature at Oslo until 15th August 1972 by the States invited to participate in the Conference on Marine Pollution, held there from 19th to 22nd October 1971.

Article 21. This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Government of Norway.

Article 22. This Convention shall be open for accession by any State referred to in article 20. The Contracting Parties may unanimously invite other States to accede to the Convention. The instruments of accession shall be deposited with the Government of Norway.

Article 23. 1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or accession.

2) For each State ratifying or acceding to the Convention after the deposit of the seventh instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 24. At any time after two years from the date on which this Convention has come into force with respect to a Contracting Party, that Party may withdraw from the Convention by means of a notice in writing addressed to the depositary Government. Any such withdrawal shall take effect twelve months after the date of its receipt.

Article 25. A Conference for the purpose of revising or amending this Convention may be convened by the depositary Government at the request of the Commission adopted by a two-thirds majority.

Article 26. The depositary Government shall inform the Contracting Parties and the States referred to in article 20:

a) of signatures to this Convention, of the deposit of instruments of ratification or accession, and of the receipt of a notice of withdrawal, in accordance with articles 20, 21, 22 and 24;

b) of the date on which this Convention will come into force in accordance with article 23;

c) of the receipt of notification of approval relating to modifications of the annexes to this Convention and of the entry into force of such modifications in accordance with article 18.

Article 27. The original of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of Norway, which shall send certified copies thereof to the Contracting Parties

and to the States referred to in article 20, and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Oslo, this fifteenth day of February 1972.

ANNEX I

The following substances are listed for the purposes of article 5 of the Convention:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;

2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;

3. Substances which have been agreed between the Contracting Parties as likely to be carcinogenic under the conditions of disposal;

4. Mercury and mercury compounds;

5. Cadmium and cadmium compounds;

6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

ANNEX II

1. The following substances and materials requiring special care are listed for the purposes of article 6:

a) Arsenic, lead, copper, zinc and their compounds, cyanides and fluorides, and pesticides and their by-products not covered by the provisions of annex I;

b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation;

c) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. The substances and materials listed under paragraph 1 (*b*) above should always be deposited in deep water.

3. In the issuance of permits or approvals for the dumping of large quantities of acids and alkalis, consideration should be given to the possible presence in such wastes of the substances listed in paragraph 1 above.

4. When, in the application of the provisions of annexes II and III, it is considered necessary to deposit waste in deep water, this should be done only when the following two conditions are both fulfilled:

a) that the depth is not less than 2000 metres,

b) that the distance from the nearest land is not less than 150 nautical miles.

ANNEX III

Provisions governing the issue of permits and approvals for the dumping of wastes at sea.

1. *Characteristics of the waste*

   a) Amount and composition;

   b) Amount of substances and materials to be deposited per day (per week, per month);

   c) Form in which it is presented for dumping, i.e. whether as a solid, sludge or liquid;

   d) Physical (especially solubility and specific gravity), chemical, biochemical (oxygen demand, nutrient production) and biological properties (presence of viruses, bacteria, yeasts, parasites, etc.);

   e) Toxicity;

   f) Persistence;

   g) Accumulation in biological materials or sediments;

   h) Chemical and physical changes of the waste after release, including possible formation of new compounds;

   i) Probability of production of taints reducing marketability of resources (fish, shellfish, etc.).

2. *Characteristics of dumping site and method of deposit*

   a) Geographical position, depth and distance from coast;

   b) Location in relation to living resources in adult or juvenile phases;

   c) Location in relation to amenity areas;

   d) Methods of packing, if any;

   e) Initial dilution achieved by proposed method of release;

   f) Dispersal, horizontal transport and vertical mixing characteristics;

   g) Existence and effects of current and previous discharges and dumping in the area (including accumulative effects).

3. *General considerations and conditions*

   a) Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate use of the sea;

   b) In applying these principles the practical availability of alternative means of disposal or elimination will be taken into consideration.

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, Mexico City, Moscow, and Washington, 1972

Done at London, Mexico City, Moscow, and Washington 29 December 1972

Entered into force 30 August 1975

Depositaries: Mexico, Union of Soviet Socialist Republics, United Kingdom, and United States

Primary source citation: 26 UST 2403, TIAS 8165

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

The Contracting Parties to this Convention,

Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

Recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

Recognizing that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

Recalling Resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

Being convinced that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

Have agreed as follows:

ARTICLE I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

ARTICLE II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

ARTICLE III

For the purposes of this Convention:

1. (*a*) "Dumping" means:

(i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

(ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.

(*b*) "Dumping" does not include:

(i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(*c*) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substance of any kind, form or description.

5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organisation" means the Organisation designated by the Contracting Parties in accordance with Article XIV (2).

ARTICLE IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

(*a*) the dumping of wastes or other matter listed in Annex I is prohibited;

(*b*) the dumping of wastes or other matter listed in Annex II requires a prior special permit;

(*c*) the dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site, as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. The Party shall notify such measures to the Organisation.

ARTICLE V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.

2. A Contracting Party may issue a special permit as an exception to Article IV (1) (*a*), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall, in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

ARTICLE VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(*a*) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V (2);

(*b*) issue general permits which shall be required prior to, and for, the dumping of all other matter;

(*c*) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(*d*) monitor individually, or in collaboration with other Parties and competent international organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:

(*a*) loaded in its territory;

(*b*) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs (1)(*a*) and (*b*) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (*c*) and (*d*) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

ARTICLE VII

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(*a*) vessels and aircraft registered in its territory or flying its flag;

(*b*) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(*c*) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However such Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

ARTICLE VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional

features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

ARTICLE IX

The Contracting Parties shall promote, through collaboration within the Organisation and other international bodies, support for those Parties which request it for:

(*a*) the training of scientific and technical personnel;

(*b*) the supply of necessary equipment and facilities for research and monitoring;

(*c*) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;

preferably within the countries concerned, so furthering the aims and purposes of this Convention.

ARTICLE X

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

ARTICLE XI

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

ARTICLE XII

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

(*a*) hydrocarbons, including oil, and their wastes;

(*b*) other noxious or hazardous matter transported by vessels for purposes other than dumping;

(*c*) wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;

(*d*) radio-active pollutants from all sources, including vessels;

(*e*) agents of chemical and biological warfare;

(*f*) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organisation, the codification of signals to be used by vessels engaged in dumping.

ARTICLE XIII

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

ARTICLE XIV

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organisation shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(*a*) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;

(*b*) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in sub-paragraph (4) (*e*) of this Article;

(*c*) considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(*d*) conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV (3), V (1) and (2), VI (4), XV, XX and XXI.

Prior to the designation of the Organisation these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, *inter alia*:

(*a*) review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(*b*) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical aspect relevant to this Convention, including particularly the content of the Annexes;

(*c*) receive and consider reports made pursuant to Article VI (4);

(*d*) promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(*e*) develop or adopt, in consultation with appropriate International Organisations, procedures referred to in Article V (2), including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(*f*) consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

ARTICLE XV

1. (*a*) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(*b*) The Organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organisation. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretarial functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

ARTICLE XVI

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

ARTICLE XVII

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

ARTICLE XVIII

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

ARTICLE XIX

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

ARTICLE XX

The depositaries shall inform Contracting Parties:

(*a*) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and

(*b*) of the date on which this Convention will enter into force, in accordance with Article XIX.

ARTICLE XXI

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

ARTICLE XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments have signed the present Convention.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

ANNEX I

1. Organohalogen compounds.

2. Mercury and mercury compounds.

3. Cadmium and cadmium compounds.

4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.

5. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

6. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

7. Materials in whatever form (*e.g.* solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

(i) make edible marine organisms unpalatable, or

(ii) endanger human health or that of domestic animals.

The consultative procedure provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (*e.g.* sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1–5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI (1)(*a*).

A. Wastes containing significant amounts of the matters listed below:

arsenic
lead
copper
zinc
} and their compounds

organosilicon compounds
cyanides
fluorides
pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

beryllium
chromium
nickel
vanadium
} and their compounds

C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D. Radio-active wastes or other radio-active matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV (2), include:

A.—Characteristics and composition of the matter

1. Total amount and average composition of matter dumped (*e.g.* per year).

2. Form, *e.g.* solid, sludge, liquid, or gaseous.

3. Properties: physical (*e.g.* solubility and density), chemical and biochemical (*e.g.* oxygen demand, nutrients) and biological (*e.g.* presence of viruses, bacteria, yeasts, parasites).

4. Toxicity.

5. Persistence: physical, chemical and biological.

6. Accumulation and biotransformation in biological materials or sediments.

7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.

8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B.—Characteristics of dumping site and method of deposit

1. Location (*e.g.* co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (*e.g.* amenity areas, spawning, nursery and fishing areas and exploitable resources).

2. Rate of disposal per specific period (*e.g.* quantity per day, per week, per month).

3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release.

5. Dispersal characteristics (*e.g.* effects of currents, tides and wind on horizontal transport and vertical mixing).

6. Water characteristics (*e.g.* temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).

7. Bottom characteristics (*e.g.* topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (*e.g.* heavy metal background reading and organic carbon content).

9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

C.—General considerations and conditions

1. Possible effects on amenities (*e.g.* presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (*e.g.* impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

Amendments to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, 1978

Done at London 12 October 1978

Not in force

Primary source citation: Senate Executive I, 96th Congress, 1st Session, U.S. Government Printing Office, Washington, 1979

AMENDMENTS TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

London

NOVEMBER 27, 1978.

The Secretary-General of the Inter-Governmental Maritime Consultative Organization presents his compliments to the Secretary of State of the United States of America.

He has the honour to refer to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972 and in particular to Articles X and XI thereof in which the Contracting Parties undertake to consider and develop procedures for the settlement of disputes concerning the interpretation and application of the Convention.

The Third Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter which met in London on 9 to 13 October 1978 considered this subject and adopted a Resolution LDC Res.6 (III) on 12 October 1978 concerning procedures for the settlement of disputes.

By this Resolution, the Third Consultative Meeting adopted the following amendments to the Convention in accordance with the procedures set out in Articles XIV (4) (a) and XV (1):

1. an amendment to Article XI;
2. an amendment to Articles XIV (4) (a) and XV (1) (a); and
3. the addition of an Appendix to the Convention.

The English and French texts of the Resolution mentioned above, together with the amendments to the Convention adopted by the Third Consultative Meeting, are attached to this Note Verbale. The Russian and Spanish texts of the Resolution, together with the amendments in the Russian and Spanish languages, will be submitted separately.

In accordance with the provisions of Article XV (1), the amendments shall enter into force for those Contracting Parties which accept them on the sixtieth day after two-thirds of the Parties have formally notified their acceptance.

Acceptance of the amendments, including the Appendix, is effected by the deposit with the Organization of an Instrument of Acceptance signed by the Head of State, the Head of Government or by the Minister for Foreign Affairs of the Contracting Party concerned.

The Secretary-General has the honour to invite Contracting Parties to accept the amendments as soon as possible, in compliance with the wishes of the Contracting Parties expressed in the last paragraph of the attached Resolution.

———— ————.

Attachment: Resolution LDC Res.6 (III) with Attachments.

RESOLUTION OF THE THIRD CONSULTATIVE MEETING ON SETTLEMENT OF DISPUTES

LDC RESOLUTION 6 (III) ADOPTED ON OCTOBER 12, 1978

The Third Consultative Meeting,

Recalling Article XI of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter whereby the Contracting Parties undertake to consider procedures for the settlement of disputes concerning the interpretation and application of the Convention,

Recalling further that the Second Consultative Meeting agreed to consider proposals at the Third Consultative Meeting to incorporate provisions for the settlement of disputes within the framework of the Convention with a view of the development and possible adoption of such provisions by that Meeting,

Noting Article X of the Convention whereby the Contracting Parties undertake, in accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, to develop procedures for the assessment of liability and the settlement of disputes regarding dumping,

Bearing in mind the provisions of Article XIII whereby the Contracting Parties affirm that nothing in the Convention shall prejudice the codification and development of the law of the sea by the Third United Nations Conference on the Law of the Sea nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction,

Having considered the proposed provisions on the settlement of disputes contained in the Report of the Ad Hoc Group of Legal Experts on Dumping,

Adopts the following amendments to the Convention in accordance with Articles XIV (4) (a) and XV (1) thereof:

(a) amendments to Article XI;

(b) amendments to Articles XIV (4) (a) and XV (1) (a); and

(c) addition of an Appendix,

the texts of which are set out in the Attachment to this Resolution,

Requests the Secretary-General of the Inter-Governmental Maritime Consultative Organization to inform the Contracting Parties of the abovementioned amendments in accordance with Article XV(1) (b) of the Convention,

Also requests the Secretary-General of the Inter-Governmental Maritime Consultative Organization to perform among his other Secretariat duties, functions provided for in the Appendix to the Convention regarding settlement of disputes,

Invites the Contracting Parties to accept the amendments as soon as possible.

ATTACHMENT

Amendments adopted at the Third Consultative Meeting by a two-thirds majority of the Contracting Parties to the Convention present, as provided for in Article XV of the Convention are set out below:

Article XI shall be replaced by the following:

> Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall, if settlement by negotiation or by other means has not been possible, be submitted by agreement between the parties to the dispute to the International Court of Justice or upon the request of one of them to arbitration. Arbitration procedures, unless the parties to the dispute decide otherwise, shall be in accordance with the rules set out in the Appendix to this Convention.

Article XIV (4) (a) shall be replaced by the following:

> (a) review and adopt amendments to the Convention, its Annexes and Appendix in accordance with Article XV;

The first sentence of Article XV (1) (a) shall be replaced by the following:

> At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention and its Appendix may be adopted by a two-thirds majority of those present.

The Appendix mentioned in the amended Article XI above is set out hereunder:

Article 1

1. An Arbitral Tribunal (hereinafter referred to as the "Tribunal") shall be established upon the request of a Contracting Party addressed to another Contracting Party in application of Article XI of the Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

2. The requesting Party shall inform the Secretary-General of the Organization of:

> (i) its request for arbitration;
>
> (ii) the provisions of the Convention the interpretation or application of which is, in its opinion, the subject of disagreement.

3. The Secretary-General shall transmit this information to all Contracting States.

Article 2

1. The Tribunal shall consist of a single arbitrator if so agreed between the parties to the dispute within 30 days from the date of receipt of the request for arbitration.

2. In the case of the death, disability or default of the arbitrator, the parties to a dispute may agree upon a replacement within 30 days of such death, disability or default.

Article 3

1. Where the parties to a dispute do not agree upon a Tribunal in accordance with Article 2 of this Appendix, the Tribunal shall consist of three members:

(i) one arbitrator nominated by each party to the dispute; and

(ii) a third arbitrator who shall be nominated by agreement between the two first named and who shall act as its Chairman.

2. If the Chairman of a Tribunal is not nominated within 30 days of nomination of the second arbitrator, the parties to a dispute shall, upon the request of one party, submit to the Secretary-General of the Organization within a further period of 30 days an agreed list of qualified persons. The Secretary-General shall select the Chairman from such list as soon as possible. He shall not select a Chairman who is or has been a national of one party to the dispute except with the consent of the other party to the dispute.

3. If one party to a dispute fails to nominate an arbitrator as provided in sub-paragraph (1) (i) of this Article within 60 days from the date of receipt of the request for arbitration, the other party may request the submission to the Secretary-General of the Organization within a period of 30 days of an agreed list of qualified persons. The Secretary-General shall select the Chairman of the Tribunal from such list as soon as possible. The Chairman shall then request the party which has not nominated an arbitrator to do so. If this party does not nominate an arbitrator within 15 days of such request, the Secretary-General shall, upon request of the Chairman, nominate the arbitrator from the agreed list of qualified persons.

4. In the case of the death, disability or default of an arbitrator, the party to the dispute who nominated him shall nominate a replacement within 30 days of such death, disability or default. If the party does not nominate a replacement, the arbitration shall proceed with the remaining arbitrators. In the case of the death, disability or default of the Chairman, a replacement shall be nominated in accordance with the provision of paragraphs 1 (ii) and 2 of this Article within 90 days of such death, disability or default.

5. A list of arbitrators shall be maintained by the Secretary-General of the Organization and composed of qualified persons nominated by the Contracting Parties. Each Contracting Party may designate for inclusion in the list four persons who shall not necessarily be its nationals. If the parties to the dispute have failed within the specified time limits to submit to the Secretary-General an agreed list of qualified persons as provided for in paragraphs 2, 3 and 4 of this Article, the Secretary-General shall select from the list maintained by him the arbitrator or arbitrators not yet nominated.

Article 4

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 5

Each party to the dispute shall be responsible for the costs entailed by the preparation of its own case. The remuneration of the members of the Tribunal and of all general expenses incurred by the Arbitration shall be borne equally by the parties to the dispute. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the parties.

Article 6

Any Contracting Party which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the parties to the dispute which have originally initiated the procedure, intervene in the arbitration procedure with the consent of the Tribunal and at its own expense. Any such intervenor shall have the right to present evidence, briefs and oral argument on the matters giving rise to its intervention, in accordance with procedures established pursuant to Article 7 of this Appendix, shall have no rights with respect to the composition of the Tribunal.

Article 7

A Tribunal established under the provisions of this Appendix shall decide its own rules of procedure.

Article 8

1. Unless a Tribunal consists of a single arbitrator, decisions of the Tribunal as to its procedure, its place of meeting, and any question related to the dispute laid before it, shall be taken by majority vote of its members. However, the absence or abstention of any member of the Tribunal who was nominated by a party to the dispute shall not constitute an impediment to the Tribunal reaching a decision. In case of equal voting, the vote of the Chairman shall be decisive.

2. The parties to the dispute shall facilitate the work of the Tribunal and in particular shall, in accordance with their legislation and using all means at their disposal:

(i) provide the Tribunal with all necessary documents and information;

(ii) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. The failure of a party to the dispute to comply with the provisions of paragraph (2) of this Article shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 9

1. The Tribunal shall render its award within five months from the time it is established unless it finds it necessary to extend that time limit for a period not to exceed five months. The award of the Tribunal shall be accompanied by a statement of reasons for the decision. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization who shall inform the Contracting Parties. The parties to the dispute shall immediately comply with the award.

Amendment to the Annex to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, 1980

Done at London 24 September 1980

Entered into force 11 March 1981

Primary source citation: Copy of text provided by the International Maritime Organization

RESOLUTION OF THE FIFTH CONSULTATIVE MEETING ON THE AMENDMENT OF THE LISTS OF SUBSTANCES

LDC Resolution 12(V) adopted on 24 September 1980

THE FIFTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment,

NOTING that in accordance with Article XV of the Convention amendments to the Annexes of the Convention shall be based on scientific or technical considerations,

HAVING CONSIDERED the proposed amendments to the Annexes I and II of the Convention and the scientific background materials thereto brought forward by the Ad Hoc Scientific Working Group on Dumping,

RECALLING the decision of the Fourth Consultative Meeting that the amendments to the Annexes I and II to the Convention should be implemented by Contracting Parties on a voluntary basis until their formal adoption,

ADOPTS the following amendments to the Annexes to the Convention in accordance with Article XV(2) thereof:

(a) the amendment of paragraph 5 to Annex I;

(b) the addition of a paragraph F to Annex II,

the texts of which are set out in Attachment to this Resolution;

ENTRUSTS the Inter-Governmental Maritime Consultative Organization with the task of ensuring, in collaboration with the Governments of France, Spain, the Union of Soviet Socialist Republics and the United Kingdom, that the texts of the above amendments are drawn up by 1 December 1980 in all official languages of the

Convention with the linguistic consistency in each text, which would then become the authentic text of the Annexes to the Convention in the English, French, Russian and Spanish languages,

RESOLVES that for the purposes of Article XIV(4)(a) and XV(2) of the Convention, 1 December 1980 shall be treated as the date of the adoption of the amendments,

REQUESTS the Secretary-General of the Organization to inform Contracting Parties of the above-mentioned amendments.

Attachment

AMENDMENTS TO ANNEXES TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

Paragraph 5 of Annex I shall be amended as follows:

"5 Crude oil and its wastes, refined petroleum products, petroleum distillate residues, and any mixtures containing any of these, taken on board for the purpose of dumping."

The following paragraph shall be added to Annex II:

"F Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities."

Amendment to the Annex to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, 1989

Done at London 3 November 1989

Entered into force 19 May 1990

Primary source citation: Copy of text provided by the International Maritime Organization

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14 May 1990

T5/5.09 (NV.2)

The Secretary-General of the International Maritime Organization presents his compliments to the Secretary of State of the United States of America.

He has the honour to refer to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and to the amendment to Annex III of the Convention which has adopted by the Twelfth Consultative Meeting of Contracting Parties on 3 November 1989, by resolution LDC.37(12). The text of the resolution, in the Chinese, English, French, Russian and Spanish languages, has circulated by note verbale T5/5.09 (NV.1) dated 8 February 1990.

A certified true copy of the resolution, in the authentic languages of the Convention, i.e. English, French, Russian and Spanish, is enclosed herewith.

In accordance with the terms of the resolution and article XV(2) of the Convention, the amendment will enter into force on 19 May 1990.

[Signature]

Encl: One certified copy to each Foreign Minister

RESOLUTION LDC.37(12)

adopted on 3 November 1989

AMENDMENT OF ANNEX III TO THE LONDON DUMPING CONVENTION

THE TWELFTH CONSULTATIVE MEETING,

RECALLING resolution LDC.26(10) by which Contracting Parties agreed in principle to the inclusion in Annex III, section A of the following text:

"9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists concerning characteristics and composition of the matter to be dumped to assess the impact of the matter on marine life and on human health.",

NOTING that by the above resolution LDC.26(10) Contracting Parties were invited to indicate in writing to the Secretary-General of the International Maritime Organization if they do not expect to be in a position to adopt formally the amendment at the Consultative Meeting designated for formal adoption and that no such notifications were received,

NOTING FURTHER that by resolution LDC.26(10) the Twelfth Consultative Meeting was designated for formal adoption of the above amendment,

RECALLING previous decisions of the Consultative Meetings that the amendments to the Convention agreed in principle by the Consultative Meeting should be implemented by Contracting Parties on a voluntary basis until their formal adoption,

1 ADOPTS the amendment to Annex III, section A of the Convention in accordance with Article XV(2) thereof.

2 ENTRUSTS the International Maritime Organization with the task of ensuring, in collaboration with the Governments of China, France, Spain, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, that the texts of the above amendment are drawn up by 1 January 1990 in all official languages of the Consultative Meeting with the linguistic consistency in each text. The texts would then become the authentic texts of the amendment of Annex III in accordance with Article XXII of the Convention.

3 RESOLVES that for the purposes of Articles XIV(4)(a) and XV(2) of the Convention, 8 February 1990 shall be treated as the date of the approval of the amendment.

4 REQUESTS the Secretary-General of the Organization to inform Contracting Parties of the above-mentioned amendment.

International Convention for the Prevention of Pollution from Ships, London, 1973

Done at London 2 November 1973

*Not in force**

Depositary: International Maritime Organization

Primary source citation: Senate Executive E, 95th Congress, 1st Session, U.S. Government Printing Office, Washington, 1977

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

HAVE AGREED as follows:

* This Convention is not intended to enter into force; it has been incorporated with modification in its 1978 Protocol (see page 1916).

ARTICLE 1

General Obligations under the Convention

(1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.

(2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

ARTICLE 2

Definitions

For the purposes of the present Convention, unless expressly provided otherwise:

(1) "Regulations" means the Regulations contained in the Annexes to the present Convention.

(2) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.

(3) (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

(4) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

(5) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE 3

Application

(1) The Present Convention shall apply to:

(a) ships entitled to fly the flag of a Party to the Convention; and

(b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

(2) Nothing in the present Article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

ARTICLE 4

Violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

ARTICLE 5

Certificates and Special Rules on Inspection of Ships

(1) Subject to the provisions of paragraph (2) of the present Article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the Regulations shall be accepted by the other Parties

and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

(2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject, while in the ports or off-shore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

(4) With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 6

Detection of Violations and Enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practicable to do so, the competent authority of the former Party shall notify the Master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

ARTICLE 7

Undue Delay to Ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 4, 5 or 6 of the present Convention.

(2) When a ship is unduly detained or delayed under Article 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 8

Reports on Incidents Involving Harmful Substances

(1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.

(2) Each Party to the Convention shall:

(a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and

(b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.

(3) Whenever a Party receives a report under the provisions of the present Article, that Party shall relay the report without delay to:

(a) the Administration of the ship involved; and

(b) any other State which may be affected.

(4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other party concerned.

ARTICLE 9

Other Treaties and Interpretation

(1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(3) The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

ARTICLE 10

Settlement of Disputes

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

ARTICLE 11

Communication of Information

(1) The Parties to the Convention undertake to communicate to the Organization:

(a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;

(b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;

(c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;

(d) a list of reception facilities including their location, capacity and available facilities and other characteristics;

(e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and

(f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

(2) The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under sub-paragraphs (1)(b) to (f) of the present Article.

ARTICLE 12

Casualties to Ships

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the Regulations if such casualty has produced a major deleterious effect upon the marine environment.

(2) Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.

ARTICLE 13

Signature, Ratification, Acceptance, Approval and Accession

(1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States may become Parties to the present Convention by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

(3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

ARTICLE 14

Optional Annexes

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.

(2) A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in Article 13(2).

(3) A State which makes a declaration under paragraph (1) of the present Article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present Article.

ARTICLE 15

Entry into Force

(1) The present Convention shall enter into force twelve months after the date on which less than 15 States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with Article 13.

(2) An Optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of the present Article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present Article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

ARTICLE 16

Amendments

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

(a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;

(b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;

(c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;

(d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;

(e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;

(f) an amendment shall be deemed to have been accepted in the following circumstances:

(i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet;

(ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f)(iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;

(iii) an amendment to an Appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one-third of the Parties or by the Parties the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;

(iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in sub-paragraphs (f)(ii) or (f)(iii) above;

(v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an Article of the Convention, as provided for in sub-paragraph (f)(i) above;

(g) the amendment shall enter into force under the following conditions:

(i) in the case of an amendment to an Article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in sub-paragraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;

(ii) in the case of an amendment to Protocol I, to an Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under sub-paragraph (f)(ii), that their express approval is necessary.

(3) Amendment by a Conference:

(a) Upon the request of a Party, concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.

(b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.

(4) (a) In the case of an amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.

(b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that Amendment.

(5) The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.

(6) Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

(7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the Articles of the present Convention.

(8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present Article, together with the date on which each such amendment enters into force.

(9) Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

ARTICLE 17

Promotion of Technical Co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

(a) the training of scientific and technical personnel;

(b) the supply of necessary equipment and facilities for reception and monitoring;

(c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and

(d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

ARTICLE 18

Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

ARTICLE 19

Deposit and Registration

(1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.

PROTOCOL I

PROVISIONS CONCERNING REPORTS ON INCIDENTS INVOLVING HARMFUL SUBSTANCES
(in accordance with Article 8 of the Convention)

Article I

Duty to Report

(1) The Master of a ship involved in an incident referred to in Article III of this Protocol, or other person having charge of the ship, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2) In the event of the ship referred to in paragraph (1) of the present Article being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible assume the obligations placed upon the Master under the provisions of this Protocol.

Article II

Methods of Reporting

(1) Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.

(2) Reports shall be directed to the appropriate officer or agency specified in paragraph (2)(a) of Article 8 of the Convention.

Article III

When to make Reports

The report shall be made whenever an incident involves:

(a) a discharge other than as permitted under the present Convention; or

(b) a discharge permitted under the present Convention by virtue of the fact that:

(i) it is for the purpose of securing the safety of a ship or saving life at sea; or

(ii) it results from damage to the ship or its equipment; or

(c) a discharge of a harmful substance for the purpose of combating a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or

(d) the probability of a discharge referred to in sub-paragraphs (a), (b) or (c) of this Article.

Article IV

Contents of Report

(1) Each report shall contain in general:

(a) the identity of the ship;

(b) the time and date of the occurrence of the incident;

(c) the geographic position of the ship when the incident occurred;

(d) the wind and sea conditions prevailing at the time of the incident; and

(e) relevant details respecting the condition of the ship.

(2) Each report shall contain, in particular:

(a) a clear indication or description of the harmful substances involved, including, if possible, the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

(c) where relevant, a description of the packaging and identifying marks; and

(d) if possible the name of the consignor, consignee or manufacturer.

(3) Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance or a noxious gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

(4) Each report shall be supplemented as necessary by any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

Article V

Supplementary Report

Any person who is obliged under the provisions of this Protocol to send a report shall, when possible:

(a) supplement the initial report, as necessary, with information concerning further developments; and

(b) comply as fully as possible with requests from affected States for additional information concerning the incident.

PROTOCOL II

ARBITRATION
(in accordance with Article 10 of the Convention)

Article I

Arbitration procedure, unless the Parties to the dispute decide otherwise, shall be in accordance with the rules set out in this Protocol.

Article II

(1) An Arbitration Tribunal shall be established upon the request of one Party to the Convention addressed to another in application of Article 10 of the present Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

(2) The requesting Party shall inform the Secretary-General of the Organization of the fact that it has applied for the establishment of a Tribunal, of the names of the Parties to the dispute, and of the Articles of the Convention or Regulations over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Parties.

Article III

The Tribunal shall consist of three members: one Arbitrator nominated by each Party to the dispute and a third Arbitrator who shall be nominated by agreement between the two first named, and shall act as its Chairman.

Article IV

(1) If, at the end of a period of sixty days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of sixty days proceed to such nomination, selecting him from a list of qualified persons previously drawn up by the Council of the Organization.

(2) If, within a period of sixty days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of sixty days, selecting him from the list prescribed in paragraph (1) of the present Article.

(3) The Chairman of the Tribunal shall, upon nomination, request the party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

(4) The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party.

(5) In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of sixty days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In case of the decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article III above, or in the absence of agreement between the members of the Tribunal within a period of sixty days of the decease or default, according to the provisions of the present Article.

Article V

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article VI

Each Party shall be responsible for the remuneration of its Arbitrator and connected costs and for the costs entailed by the preparation of its own case. The remuneration of the Chairman of the Tribunal and of all general expenses incurred by the Arbitration shall be borne equally by the Parties. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof.

Article VII

Any Party to the Convention which has an interest of a legal nature and which may be affected by the decision in the case may, after giving written notice to the Parties which have originally initiated the procedure, join in the arbitration procedure with the consent of the Tribunal.

Article VIII

Any Arbitration Tribunal established under the provisions of the present Protocol shall decide its own rules of procedure.

Article IX

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any question laid before it, shall be taken by majority votes of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible, shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the vote of the Chairman shall be decisive.

(2) The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

(3) Absence or default of one Party shall not constitute an impediment to the procedure.

Article X

(1) The Tribunal shall render its award within a period of five months from the time it is established unless it decides, in the case of necessity, to extend the time limit for a further period not exceeding three months. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation or execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available to another Tribunal constituted for this purpose, in the same manner as the original Tribunal.

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

CHAPTER I – GENERAL

Regulation 1

Definitions

For the purposes of this Annex:

(1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the present Convention) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.

(2) "Oily mixture" means a mixture with any oil content.

(3) "Oil fuel" means any oil used as fuel in connexion with the propulsion and auxiliary machinery of the ship in which such oil is carried.

(4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of the present Convention when it is carrying a cargo or part cargo of oil in bulk.

(5) "Combination carrier" means a ship designed to carry either oil or solid cargoes in bulk.

(6) "New ship" means a ship:

(a) for which the building contract is placed after 31 December 1975; or

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976; or

(c) the delivery of which is after 31 December 1979; or

(d) which has undergone a major conversion:

(i) for which the contract is placed after 31 December 1975; or

(ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or

(iii) which is completed after 31 December 1979.

(7) "Existing ship" means a ship which is not a new ship.

(8) "Major conversion" means a conversion of an existing ship:

(a) which substantially alters the dimensions or carrying capacity of the ship; or

(b) which changes the type of the ship; or

(c) the intent of which in the opinion of the Administration is substantially to prolong its life; or

(d) which otherwise so alters the ship that if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.

(9) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ South, longitude 142°08′ East to a point in latitude 10°35′ South,
longitude 141°55′ East – thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

(10) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas shall include those listed in Regulation 10 of this Annex.

(11) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.

(12) "Tank" means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk.

(13) "Wing tank" means any tank adjacent to the side shell plating.

(14) "Centre tank" means any tank inboard of a longitudinal bulkhead.

(15) "Slop tank" means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures.

(16) "Clean ballast" means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.

(17) "Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of the present Convention.

(18) "Length" (L) means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres.

(19) "Forward and after perpendiculars" shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(20) "Amidships" is at the middle of the length (L).

(21) "Breadth" (B) means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (B) shall be measured in metres.

(22) "Deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a specific gravity of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship.

(23) "Lightweight" means the displacement of a ship in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, passengers and their effects.

(24) "Permeability" of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space.

(25) "Volumes" and "areas" in a ship shall be calculated in all cases to moulded lines.

Regulation 2

Application

(1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of Regulations 9, 10, 14, 15(1), (2) and (3), 18, 20 and 24(4) of this Annex for oil tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres the requirements of Regulation 15(4) of this Annex may apply in lieu of Regulation 15(1), (2) and (3).

(3) Where a cargo subject to the provisions of Annex II of the present Convention is carried in a cargo space of an oil tanker, the appropriate requirements of Annex II of the present Convention shall also apply.

(4) (a) Any hydrofoil, air-cushion vehicle and other new type of vessel (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of Chapters II and III of this Annex relating to construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

(b) Particulars of any such exemption granted by the Administration shall be indicated in the Certificate referred to in Regulation 5 of this Annex.

(c) The Administration which allows any such exemption shall, as soon as possible, but not more than ninety days thereafter, communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Parties to the Convention for their information and appropriate action, if any.

Regulation 3

Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by Regulations in this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Parties to the Convention particulars thereof, for their information and appropriate action, if any.

Regulation 4

Surveys

(1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under Regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Oil Pollution Prevention Certificate (1973) is extended as specified in Regulation 8(3) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(c) Intermediate surveys at intervals specified by the Administration but not exceeding thirty months, which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the International Oil Pollution Prevention Certificate (1973) issued under Regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the applicable provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, fittings, arrangements or material covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

Regulation 5

Issue of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or off-shore terminals under the jurisdiction of other Parties to the Convention. In the case of existing ships this requirement shall apply twelve months after the date of entry into force of the present Convention.

(2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

Regulation 6

Issue of a Certificate by another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Oil Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under Regulation 5 of this Annex.

(4) No International Oil Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 7

Form of Certificate

The International Oil Pollution Prevention Certificate (1973) shall be drawn up in an official language of the issuing country in the form corresponding to the model given in Appendix II to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 8

Duration of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2), (3) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or off-shore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, fittings, arrangements, or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate surveys as specified by the Administration under Regulation 4(1)(c) of this Annex are not carried out.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

CHAPTER II – REQUIREMENTS FOR CONTROL OF OPERATIONAL POLLUTION

Regulation 9

Control of Discharge of Oil

(1) Subject to the provisions of Regulations 10 and 11 of this Annex and paragraph (2) of this Regulation, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker, except as provided for in sub-paragraph (b) of this paragraph:

(i) the tanker is not within a special area;

(ii) the tanker is more than 50 nautical miles from the nearest land;

(iii) the tanker is proceeding en route;

(iv) the instantaneous rate of discharge of oil content does not exceed 60 litres per nautical mile;

(v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and

(vi) the tanker has in operation, except as provided for in Regulation 15(3) of this Annex, an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex;

(b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump room bilges of an oil tanker unless mixed with oil cargo residue:

(i) the ship is not within a special area;

(ii) the ship is more than 12 nautical miles from the nearest land;

(iii) the ship is proceeding en route;

(iv) the oil content of the effluent is less than 100 parts per million; and

(v) the ship has in operation an oil discharge monitoring and control system, oily-water separating equipment, oil filtering system or other installation as required by Regulation 16 of the Annex.

(2) In the case of a ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, the Administration shall ensure that it is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea in compliance with the requirements of paragraph (1)(b) of this Regulation.

(3) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, Governments of Parties to the Convention should, to the extent they are reasonably able to do so,

promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 10 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge of clean or segregated ballast. The provisions of sub-paragraph (1)(b) of this Regulation shall not apply to the discharge of oily mixture which without dilution has an oil content not exceeding 15 parts per million.

(5) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(6) The oil residues which cannot be discharged into the sea in compliance with paragraphs (1), (2) and (4) of this Regulation shall be retained on board or discharged to reception facilities.

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while operating in Special Areas

(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The Gulfs area means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras Al Fasteh (25°04′N, 61°25′E).

(2) (a) Subject to the provisions of Regulation 11 of this Annex, any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited, while in a special area.

(b) Such ships while in a special area shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and discharge them only to reception facilities.

(3) (a) Subject to the provisions of Regulation 11 of this Annex, any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

(i) the ship is proceeding en route;

(ii) the oil content of the effluent is less than 100 parts per million; and

(iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

(b) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(c) The oil residues which cannot be discharged into the sea in compliance with sub-paragraph (a) of this paragraph shall be retained on board or discharged to reception facilities.

(4) The provisions of this Regulation shall not apply to the discharge of clean or segregated ballast.

(5) Nothing in this Regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with Regulation 9 of this Annex.

(6) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 9 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(7) Reception facilities within special areas:

(a) Mediterranean Sea, Black Sea and Baltic Sea areas:

(i) The Government of each Party to the Convention, the coastline of which borders on any given special area undertakes to ensure that not later than 1 January 1977 all oil loading terminals and repair ports within the special area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

(ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast undertakes to ensure the provision of the facilities referred to in sub-paragraph (a)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.

(iii) During the period between the entry into force of the present Convention (if earlier than 1 January 1977) and 1 January 1977 ships while navigating in the special areas shall comply with the requirements of Regulation 9 of this Annex. However, the Governments of Parties the coastlines of which border any of the special areas under this sub-paragraph may establish a date earlier than 1 January 1977, but after the date of entry into force of the present Convention, from which the requirements of this Regulation in respect of the special areas in question shall take effect:

(1) if all the reception facilities required have been provided by the date so established; and

(2) provided that the Parties concerned notify the Organization of the date so established at least six months in advance, for circulation to other Parties.

(iv) After 1 January 1977, or the date established in accordance with sub-paragraph (a)(iii) of this paragraph if earlier, each Party shall notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities are alleged to be inadequate.

(b) Red Sea area and Gulfs area:

(i) The Government of each Party the coastline of which borders on the special areas undertakes to ensure that as soon as possible all oil loading terminals and repair ports within these special areas are provided with facilities adequate for the reception and treatment of all the dirty ballast

and tank washing water from tankers In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

(ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast shall undertake to ensure the provision of the facilities referred to in sub-paragraph (b)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.

(iii) Each Party concerned shall notify the Organization of the measures taken pursuant to provisions of sub-paragraph (b)(i) and (ii) of this paragraph. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(iv) During the period between the entry into force of the present Convention and the date so established, ships while navigating in the special area shall comply with the requirements of Regulation 9 of this Annex.

(v) After such date oil tankers loading in ports in these special areas where such facilities are not yet available shall also fully comply with the requirements of this Regulation. However, oil tankers entering these special areas for the purpose of loading shall make every effort to enter the area with only clean ballast on board.

(vi) After the date on which the requirements for the special area in question take effect, each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities are alleged to be inadequate.

(vii) At least the reception facilities as prescribed in Regulation 12 of this Annex shall be provided by 1 January 1977 or one year after the date of entry into force of the present Convention, whichever occurs later.

Regulation 11

Exceptions

Regulations 9 and 10 of this Annex shall not apply to:

(a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or

(b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Regulation 12

Reception Facilities

(1) Subject to the provisions of Regulation 10 of this Annex, the Government of each Party undertakes to ensure the provision at oil loading terminals, repair ports, and in other ports in which ships have oily residues to discharge, of facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) Reception facilities in accordance with paragraph (1) of this Regulation shall be provided in:

(a) all ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles;

(b) all ports and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than 1,000 metric tons per day;

(c) all ports having ship repair yards or tank cleaning facilities;

(d) all ports and terminals which handle ships provided with the sludge tank(s) required by Regulation 17 of this Annex;

(e) all ports in respect of oily bilge waters and other residues, which cannot be discharged in accordance with Regulation 9 of this Annex; and

(f) all loading ports for bulk cargoes in respect of oil residues from combination carriers which cannot be discharged in accordance with Regulation 9 of this Annex.

(3) The capacity for the reception facilities shall be as follows:

(a) Crude oil loading terminals shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from all oil tankers on voyages as described in paragraph (2)(a) of this Regulation.

(b) Loading ports and terminals referred to in paragraph (2)(b) of this Regulation shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from oil tankers which load oil other than crude oil in bulk.

(c) All ports having ship repair yards or tank cleaning facilities shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.

(d) All facilities provided in ports and terminals under paragraph (2)(d) of this Regulation shall be sufficient to receive all residues retained according to Regulation 17 of this Annex from all ships that may reasonably be expected to call at such ports and terminals.

(e) All facilities provided in ports and terminals under this Regulation shall be sufficient to receive oily bilge waters and other residues which cannot be discharged in accordance with Regulation 9 of this Annex.

(f) The facilities provided in loading ports for bulk cargoes shall take into account the special problems of combination carriers as appropriate.

(4) The reception facilities prescribed in paragraphs (2) and (3) of this Regulation shall be made available no later than one year from the date of entry into force of the present Convention or by 1 January 1977, whichever occurs later.

(5) Each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Regulation 13

Segregated Ballast Oil Tankers

(1) Every new oil tanker of 70,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of this Regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages without recourse to the use of oil tanks for water ballast except as provided for in paragraph (3) of this Regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that in any ballast condition at any part of the voyage, including the conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements:

(a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than:

$$dm = 2.0 + 0.02L;$$

(b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm), as specified in subparagraph (a) of this paragraph, in association with the trim by the stern of not greater than 0.015L; and

(c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

(3) In no case shall ballast water be carried in oil tanks except in weather conditions so severe that, in the opinion of the Master, it is necessary to carry additional ballast water in oil tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 and in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex.

(4) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraph (1) of this Regulation may, however, be qualified as a segregated ballast tanker, provided that in the case of an oil tanker of 150 metres in length and above it fully complies with the requirements of paragraphs (2) and (3) of this Regulation and in the case of an oil tanker of less than 150 metres in length the segregated ballast conditions shall be to the satisfaction of the Administration.

Regulation 14

Segregation of Oil and Water Ballast

(1) Except as provided in paragraph (2) of this Regulation, in new ships of 4,000 tons gross tonnage and above other than oil tankers, and in new oil tankers of 150 tons gross tonnage and above, no ballast water shall be carried in any oil fuel tank.

(2) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary to carry ballast water which is not a clean ballast in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with Regulation 9 using the equipment specified in Regulation 16(2) of this Annex, and an entry shall be made in the Oil Record Book to this effect.

(3) All other ships shall comply with the requirements of paragraph (1) of this Regulation as far as reasonable and practicable.

Regulation 15

Retention of Oil on Board

(1) Subject to the provisions of paragraphs (5) and (6) of this Regulation, oil tankers of 150 tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of paragraphs (2) and (3) of this Regulation, provided that in the case of existing tankers the requirements for oil discharge monitoring and control systems and slop tank arrangements shall apply three years after the date of entry into force of the present Convention.

(2) (a) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residue and tank washings from the cargo tanks into a slop tank approved by the Administration. In existing oil tankers, any cargo tank may be designated as a slop tank.

(b) In this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that any effluent discharged into the sea will be such as to comply with the provisions of Regulation 9 of this Annex.

(c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by tank washing, oil residues and dirty ballast residues but the total shall be not less than 3 per cent of the oil carrying capacity of the ship, except that, where segregated ballast tanks are provided in accordance with Regulation 13 of this Annex, or where arrangements such as eductors involving the use of water additional to the washing water are not fitted, the Administration may accept 2 per cent. New oil tankers over 70,000 tons deadweight shall be provided with at least two slop tanks.

(d) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with the water.

(3) (a) An oil discharge monitoring and control system approved by the Administration shall be fitted. In considering the design of the oil content meter to be incorporated in the system, the Administration shall have regard to the specification recommended by the Organization.* The system shall be fitted with a recording device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge. This record shall be identifiable as to time and date and shall be kept for at least three years. The oil discharge monitor and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable before the oil tanker commences its next ballast voyage unless it is proceeding to a repair port. Existing oil tankers shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristic.

(b) Effective oil/water interface detectors approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface in slop tanks and shall be available for use in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.

(c) Instructions as to the operation of the system shall be in accordance with an operational manual approved by the Administration. They shall cover manual as well as automatic operations and shall be intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Regulation 9 of this Annex.**

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* Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.233(VII).

** Reference is made to "Clean Seas Guide for Oil Tankers", published by the International Chamber of Shipping and the Oil Companies International Marine Forum.

(4) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers of less than 150 tons gross tonnage, for which the control of discharge of oil under Regulation 9 of this Annex shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities. The total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with.

(5) The Administration may waive the requirements of paragraphs (1),(2) and (3) of this Regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is not required to hold and does not hold an International Oil Pollution Prevention Certificate (1973). Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.

(6) Where in the view of the Organization equipment required by Regulation 9(1)(a)(vi) of this Annex and specified in sub-paragraph (3)(a) of this Regulation is not obtainable for the monitoring of discharge of light refined products (white oils), the Administration may waive compliance with such requirement, provided that discharge shall be permitted only in compliance with procedures established by the Organization which shall satisfy the conditions of Regulation 9(1)(a) of this Annex except the obligation to have an oil discharge monitoring and control system in operation. The Organization shall review the availability of equipment at intervals not exceeding twelve months.

(7) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers carrying asphalt, for which the control of discharge of asphalt under Regulation 9 of this Annex shall be effected by the retention of asphalt residues on board with discharge of all contaminated washings to reception facilities.

Regulation 16

Oil Discharge Monitoring and Control System and Oily-Water Separating Equipment

(1) Any ship of 400 tons gross tonnage and above shall be fitted with an oily-water separating equipment or filtering system complying with the provisions of paragraph (6) of this Regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph 2 of this Regulation or paragraph (1) of Regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be fitted:

(a) in addition to the requirements of paragraph (1) of this Regulation with an oil discharge monitoring and control system complying with paragraph (5) of this Regulation; or

(b) as an alternative to the requirements of paragraph (1) and subparagraph (2)(a) of this Regulation, with an oily-water separating equipment complying with paragraph (6) of this Regulation and an effective filtering system, complying with paragraph (7) of this Regulation.

(3) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of Regulation 9(1)(b) of this Annex.

(4) For existing ships the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply three years after the date of entry into force of the present Convention.

(5) An oil discharge monitoring and control system shall be of a design approved by the Administration. In considering the design of the oil content meter to be incorporated into the system, the Administration shall have regard to the specification recommended by the Organization.* The system shall be fitted with a recording device to provide a continuous record of the oil content in parts per million. This record shall be identifiable as to time and date and shall be kept for at least three years. The monitoring and control system shall come into operation when

* Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.233(VII).

there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the oil content of effluent exceeds that permitted by Regulation 9(1)(b) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. The defective unit shall be made operable before the ship commences its next voyage unless it is proceeding to a repair port. Existing ships shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually.

(6) Oily-water separating equipment or an oil filtering system shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the separator or filtering systems shall have an oil content of not more than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.*

(7) The oil filtering system referred to in paragraph (2)(b) of this Regulation shall be of a design approved by the Administration and shall be such that it will accept the discharge from the separating system and produce an effluent the oil content of which does not exceed 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained.

Regulation 17

Tanks for Oil Residues (Sludge)

(1) Every ship of 400 tons gross tonnage and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oily residues (sludges) which cannot be dealt with otherwise in accordance with the requirements of this Annex, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities. Existing ships shall comply with this requirement as far as is reasonable and practicable.

Regulation 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

(1) In every oil tanker, a discharge manifold for connexion to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of effluent which may be permitted under Regulation 9 of this Annex shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition. Different piping arrangements to permit operation in the manner permitted in subparagraphs (4)(a) and (b) of this Regulation may be accepted.

(3) In new oil tankers means shall be provided for stopping the discharge of effluent into the sea from a position on upper deck or above located so that the manifold in use referred to in paragraph (1) of this Regulation and the effluent from the pipelines referred to in paragraph (2) of this Regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as telephone or radio system is provided between the observation position and the discharge control position.

(4) All discharges shall take place above the waterline except as follows:

(a) Segregated ballast and clean ballast may be discharged below the waterline in ports or at offshore terminals.

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* Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.233(VII).

(b) Existing ships which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline provided that an examination of the tank immediately before the discharge has established that no contamination with oil has taken place.

Regulation 19

Standard Discharge Connection

To enable pipes of reception facilities to be connected with the ship's discharge pipeline for residues from machinery bilges, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

Description	Dimension
Outside diameter	215 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	183 mm
Slots in flange	6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm
Flange thickness	20 mm
Bolts and nuts: quantity, diameter	6, each of 20 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm^2.	

Regulation 20

Oil Record Book

(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix III to this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(a) For oil tankers

(i) loading of oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) opening or closing before and after loading and unloading operations of valves or similar devices which inter-connect cargo tanks;

(iv) opening or closing of means of communication between cargo piping and seawater ballast piping;

(v) opening or closing of ships' side valves before, during and after loading and unloading operations;

(vi) unloading of oil cargo;

(vii) ballasting of cargo tanks;

(viii) cleaning of cargo tanks;

(ix) discharge of ballast except from segregated ballast tanks;

(x) discharge of water from slop tanks;

(xi) disposal of residues;

(xii) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(b) For ships other than oil tankers

(i) ballasting or cleaning of fuel oil tanks or oil cargo spaces;

(ii) discharge of ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(iii) disposal of residues;

(iv) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(3) In the event of such discharge of oil or oily mixture as is referred to in Regulation 11 of this Annex or in the event of accidental or other exceptional discharge of oil not excepted by that Regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(4) Each operation described in paragraph (2) of this Regulation shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each section of the book shall be signed by the officer or officers in charge of the operations concerned and shall be countersigned by the Master of the ship. The entries in the Oil Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Oil Pollution Prevention Certificate (1973) in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(5) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

(6) The competent authority of the Government of a Party to the Convention may inspect the Oil Record Book on board any ship to which this Annex applies while the ship is in its port or offshore terminals and may make a copy of any entry in that book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Oil Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulation 21

Special Requirements for Drilling Rigs and other Platforms

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Annex applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

(a) they shall be equipped as far as practicable with the installations required in Regulations 16 and 17 of this Annex;

(b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and

(c) in any special area and subject to the provisions of Regulation 11 of this Annex, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

CHAPTER III – REQUIREMENTS FOR MINIMIZING OIL POLLUTION FROM OIL TANKERS DUE TO SIDE AND BOTTOM DAMAGES

Regulation 22

Damage Assumptions

(1) For the purpose of calculating hypothetical oil outflow from oil tankers, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed as follows. In the case of bottom damages two conditions are set forth to be applied individually to the stated portions of the oil tanker.

(a) *Side damage*

(i)	Longitudinal extent (ℓ_c):	$\frac{1}{3}L^{\frac{2}{3}}$ or 14.5 metres, whichever is less
(ii)	Transverse extent (t_c): (inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard)	$\frac{B}{5}$ or 11.5 metres, whichever is less
(iii)	Vertical extent (v_c):	from the base line upwards without limit

(b) *Bottom damage*

		For 0.3L from the forward perpendicular of the ship	Any other part of the ship
(i)	Longitudinal extent (ℓ_s):	$\frac{L}{10}$	$\frac{L}{10}$ or 5 metres, whichever is less
(ii)	Transverse extent (t_s):	$\frac{B}{6}$ or 10 metres, whichever is less but not less than 5 metres	5 metres
(iii)	Vertical extent from the base line (v_s):	$\frac{B}{15}$ or 6 metres, whichever is less	

(2) Wherever the symbols given in this Regulation appear in this Chapter, they have the meaning as defined in this Regulation.

Regulation 23

Hypothetical Outflow of Oil

(1) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) shall be calculated by the following formulae with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in Regulation 22 of this Annex.

(a) for side damages:

$$O_c = \Sigma W_i + \Sigma K_i C_i \qquad \text{(I)}$$

(b) for bottom damages:

$$O_s = \frac{1}{3}(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad \text{(II)}$$

where: W_i = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; W_i for a segregated ballast tank may be taken equal to zero,

C_i = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; C_i for a segregated ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$ when b_i is equal to or greater than t_c, K_i shall be taken equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$ when h_i is equal to or greater than v_s, Z_i shall be taken equal to zero,

b_i = width of wing tank in metres under consideration measured inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard,

h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted h_i shall be taken equal to zero.

Whenever symbols given in this paragraph appear in this Chapter, they have the meaning as defined in this Regulation.

(2) If a void space or segregated ballast tank of a length less than ℓ_c as defined in Regulation 22 of this Annex is located between wing oil tanks, O_c in formula (I) may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{\ell_i}{\ell_c}$$

where ℓ_i = length in metres of void space or segregated ballast tank under consideration.

(3) (a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered nonexistent and the volume of the tanks above the area of the bottom damage shall be included in formula (II) even if the tank is not considered breached because of the installation of such a partial double bottom.

(c) Suction wells may be neglected in the determination of the value h_i provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_i shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connexion to the tank served to prevent oil outflow in the event of damage to the piping. Such piping shall be installed as high from the bottom shell as possible. These valves shall be kept closed at sea at any time when the tank contains oil cargo, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

(4) In the case where bottom damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \frac{1}{4}(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad \text{(III)}$$

(5) An Administration may credit as reducing oil outflow in case of bottom damage, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (III). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the bottom damage v_s. The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Parties to the Convention.

Regulation 24

Limitation of Size and Arrangement of Cargo Tanks

(1) Every new oil tanker shall comply with the provision of this Regulation. Every existing oil tanker shall be required, within two years after the date of entry into force of the present Convention, to comply with the provisions of this Regulation if such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January 1977; or

(b) a tanker to which the following conditions apply:

(i) delivery is not later than 1 January 1977; and

(ii) the building contract is placed after 1 January 1974, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow O_c or O_s calculated in accordance with the provisions of Regulation 23 of this Annex anywhere in the length of the ship does not exceed 30,000 cubic metres or $400\sqrt[3]{DW}$, whichever is the greater, but subject to a maximum of 40,000 cubic metres.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed seventy-five per cent of the limits of the hypothetical oil outflow referred to in paragraph (2) of this Regulation. The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres. However, in segregated ballast oil tankers as defined in Regulation 13 of this Annex, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each exceeding ℓ_c in length, may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds t_c.

(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) where no longitudinal bulkhead is provided:

$0.1L$

(b) where a longitudinal bulkhead is provided at the centreline only:

$0.15L$

(c) where two or more longitudinal bulkheads are provided:

(i) for wing tanks:

$0.2L$

(ii) for centre tanks;

(1) if $\frac{b_i}{B}$ is equal to or greater than $\frac{1}{5}$:

$0.2L$

(2) if $\frac{b_i}{B}$ is less than $\frac{1}{5}$:

– where no centreline longitudinal bulkhead is provided:

$(0.5\frac{b_i}{B} + 0.1)L$

– where a centreline longitudinal bulkhead is provided:

$(0.25\frac{b_i}{B} + 0.15)L$

(5) In order not to exceed the volume limits established by paragraphs (2), (3) and (4) of this Regulation and irrespective of the accepted type of cargo transfer system installed, when such system inter-connects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other. These valves or devices shall be closed when the tanker is at sea.

(6) Lines of piping which run through cargo tanks in a position less than t_c from the ship's side or less than v_c from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank. These valves shall be kept closed at sea at any time when the tanks contain cargo oil, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

Regulation 25

Subdivision and Stability

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (3) of this Regulation, after the assumed side or bottom damage as specified in paragraph (2) of this Regulation, for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as specific gravities of the cargo. Such damage shall be applied to all conceivable locations along the length of the ship as follows:

(a) in tankers of more than 225 metres in length, anywhere in the ship's length;

(b) in tankers of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft. The machinery space shall be treated as a single floodable compartment;

(c) in tankers not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For tankers of 100 metres or less in length where all requirements of paragraph (3) of this Regulation cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the tanker is not carrying oil in cargo tanks excluding any oil residues, shall not be considered.

(2) The following provisions regarding the extent and the character of the assumed damage shall apply:

(a) The extent of side or bottom damage shall be as specified in Regulation 22 of this Annex, except that the longitudinal extent of bottom damage within 0.3L from the forward perpendicular shall be the same as for side damage, as specified in Regulation 22(1)(a)(i) of this Annex. If any damage of lesser extent results in a more severe condition such damage shall be assumed.

(b) Where the damage involving transverse bulkheads is envisaged as specified in sub-paragraphs (1)(a) and (b) of this Regulation, transverse watertight bulkheads shall be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in sub-paragraph (a) of this paragraph in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage shall be assumed as non-existent for the purpose of determining flooded compartments.

(c) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in sub-paragraph (1)(c) of this Regulation, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks shall be assumed damaged, unless:

(i) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in sub-paragraph (a) of this paragraph; or

(ii) there is a step or a recess in a transverse bulkhead of more than 3.05 metres in length, located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top shall not be regarded as a step for the purpose of this Regulation.

(d) If pipes, ducts or tunnels are situated within the assumed extent of damage, arrangements shall be made so that progressive flooding cannot thereby extend to compartments other than those assumed to be floodable for each case of damage.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the following requirements are met:

(a) The final waterline, taking into account sinkage, heel and trim, shall be below the lower edge of any opening through which progressive flooding may take place. Such openings shall include air pipes and those which are closed by means of weathertight doors or hatch covers and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding shall not exceed 25 degrees, provided that this angle may be increased up to 30 degrees if no deck edge immersion occurs.

(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre. The Administration shall give consideration to the potential hazard presented by protected or unprotected openings which may become temporarily immersed within the range of residual stability.

(d) The Administration shall be satisfied that the stability is sufficient during intermediate stages of flooding.

(4) The requirements of paragraph (1) of this Regulation shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and contents of the damaged compartments; and the distribution, specific gravities and the free surface effect of liquids. The calculations shall be based on the following:

(a) Account shall be taken of any empty or partially filled tank, the specific gravity of cargoes carried, as well as any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Spaces	*Permeability*
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 or 0.95*
Intended for other liquids	0 to 0.95**

* Whichever results in the more severe requirements.
** The permeability of partially filled compartments shall be consistent with the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage shall be disregarded. The unflooded parts of superstructures beyond the extent of damage, however, may be taken into consideration provided that they are separated from the damaged space by watertight bulkheads and the requirements of sub-paragraph (3)(a) of this Regulation in respect of these intact spaces are complied with. Hinged watertight doors may be acceptable in watertight bulkheads in the superstructure.

(d) The free surface effect shall be calculated at an angle of heel of 5 degrees for each individual compartment. The Administration may require or allow the free surface corrections to be calculated at an angle of heel greater than 5 degrees for partially filled tanks.

(e) In calculating the effect of free surfaces of consumable liquids it shall be assumed that, for each type of liquid at least one transverse pair or a single centreline tank has a free surface and the tank or combination of tanks to be taken into account shall be those where the effect of free surfaces is the greatest.

(5) The Master of every oil tanker and the person in charge of a non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:

(a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this Regulation; and

(b) data on the ability of the ship to comply with damage stability criteria as determined by this Regulation, including the effect of relaxations that may have been allowed under sub-paragraph (1)(c) of this Regulation.

Appendix I

LIST OF OILS*

Asphalt solutions
Blending Stocks
Roofers Flux
Straight Run Residue

Gasoline Blending Stocks
Alkylates – fuel
Reformates
Polymer – fuel

Oils
Clarified
Crude Oil
Mixtures containing crude oil
Diesel Oil
Fuel Oil No.4
Fuel Oil No.5
Fuel Oil No.6
Residual Fuel Oil
Road Oil
Transformer Oil
Aromatic Oil (excluding vegetable oil)
Lubricating Oils and Blending Stocks
Mineral Oil
Motor Oil
Penetrating Oil
Spindle Oil
Turbine Oil

Distillates
Straight Run
Flashed Feed Stocks

Gas Oil
Cracked

Gasolines
Casinghead (natural)
Automotive
Aviation
Straight Run
Fuel Oil No.1 (Kerosene)
Fuel Oil No.1-D
Fuel Oil No.2
Fuel Oil No.2-D

Jet Fuels
JP-1 (Kerosene)
JP-3
JP-4
JP-5 (Kerosene, Heavy)
Turbo Fuel
Kerosene
Mineral Spirit

Naphtha
Solvent
Petroleum
Heartcut Distillate Oil

* The list of oils shall not necessarily be considered as comprehensive.

Appendix II

FORM OF CERTIFICATE

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (1973)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.....
(full designation of the country)

by .....
(full designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage

Type of ship:

Oil tanker, including combination carrier*
Asphalt carrier*
Ship other than an oil tanker with cargo tanks coming under Regulation 2(2) of Annex I of the Convention*
Ship other than any of the above*

New/existing ship*

Date of building or major conversion contract .....

Date on which keel was laid or ship was at a similar stage of construction or on which major conversion was commenced .....

Date of delivery or completion of major conversion .....

PART A ALL SHIPS

The ship is equipped with:

for ships of 400 tons gross tonnage and above:

(a) oily-water separating equipment* (capable of producing the effluent with an oil content not exceeding 100 parts per million) or

(b) an oil filtering system* (capable of producing the effluent with an oil content not exceeding 100 parts per million)

for ships of 10,000 tons gross tonnage and above:

(c) an oil discharge monitoring and control system* (additional to (a) or (b) above) or

(d) oily-water separating equipment and an oil filtering system* (capable of producing the effluent with an oil content not exceeding 15 parts per million) in lieu of (a) or (b) above.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4)(a) of Annex I of the Convention:

.....

.....

Remarks:

* Delete as appropriate.

PART B OIL TANKER[1] [2]

Deadweight ..... metric tons. Length of ship ..... metres.

It is certified that this ship is:

(a) required to be constructed according to and complies with[3]

(b) not required to be constructed according to[3]

(c) not required to be constructed according to, but complies with[3]

the requirements of Regulation 24 of Annex I of the Convention.

The capacity of segregated ballast tanks is ..... cubic metres and complies with the requirements of Regulation 13 of Annex I of the Convention.

The segregated ballast is distributed as follows:

Tank	Quantity	Tank	Quantity

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Regulation 4 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey shows that the structure, equipment, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until .....
subject to intermediate survey(s) at intervals of .....

Issued at .....
(place of issue of Certificate)

..... 19 . . ..
(Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

Endorsement for existing ships[4]

This is to certify that this ship has been so equipped as to comply with the requirements of the International Convention for the Prevention of Pollution from Ships, 1973 as relating to existing ships three years from the date of entry into force of this Convention.

1 This Part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable should be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above.
2 This page need not be reproduced on a Certificate issued to any ship other than those referred to in footnote 1.
3 Delete as appropriate.
4 This entry need not be reproduced on a Certificate other than the first Certificate issued to any ship.

Signed .....
(Signature of duly authorized official)

Place of endorsement .....

Date of endorsement .....

(Seal or stamp of the Authority, as appropriate)

Intermediate survey

This is to certify that an intermediate survey required by Regulation 4(1)(c) of Annex I of the Convention, this ship and the condition thereof are found to comply with the relevant provisions of the Convention.

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 8(2) and (4) of Annex I of the Convention the validity of this Certificate is extended until

.....

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Appendix III

FORM OF OIL RECORD BOOK

OIL RECORD BOOK

I – FOR OIL TANKERS[1]

Name of ship .....

Total cargo carrying capacity of ship in cubic metres .....

Voyage from ..... (date) ..... to ..... (date) .....

(a) Loading of oil cargo

1. Date and place of loading			
2. Types of oil loaded			
3. Identity of tank(s) loaded			
4. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of loading[2]			

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of loading oil cargo.

Date of entry ..... Officer in charge.....

Master.....

(b) Internal transfer of oil cargo during voyage

5. Date of internal transfer					
6. Identity of tank(s)	(i)	From			
	(ii)	To			
7. Was (were) tank(s) in 6(i) emptied?					

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of internal transfer of oil cargo.

Date of entry ..... Officer in charge.....

Master.....

1 This Part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable shall be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above. This Part need not be reproduced on an Oil Record Book issued to any ship other than those referred to above.

2 Applicable valves and similar devices are those referred to in Regulations 20(2)(a)(iii), 23 and 24 of Annex I of the Convention.

(c) Unloading of oil cargo

8. Date and place of unloading			
9. Identity of tank(s) unloaded			
10. Was (were) tank(s) emptied?			
11. Opening of applicable cargo tank valves and applicable line cut-off valves prior to unloading[2]			
12. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of unloading[2]			

The undersigned certifies that in addition to the above, all sea valves, overboard discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of unloading of oil cargo.

Date of entry ..... Officer in charge.....

Master.....

(d) Ballasting of cargo tanks

13. Identity of tank(s) ballasted			
14. Date and position of ship at start of ballasting			
15. If valves connecting cargo lines and segregated ballast lines were used give time, date and position of ship when valves were (a) opened, and (b) closed			

The undersigned certifies that in addition to the above all sea valves, overboard discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of ballasting.

Date of entry ..... Officer in charge.....

Master.....

(e) Cleaning of cargo tanks

16. Identity of tank(s) cleaned			
17. Date and duration of cleaning			
18. Methods of cleaning[3]			

Date of entry ..... Officer in charge.....

Master.....

3 Hand hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

(f) Discharge of dirty ballast

19. Identity of tank(s)			
20. Date and position of ship at start of discharge to sea			
21. Date and position of ship at finish of discharge to sea			
22. Ship's speed(s) during discharge			
23. Quantity discharged to sea			
24. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))			
25. Date and port of discharge into shore reception facilities (if applicable)			
26. Was any part of the discharge conducted during darkness, if so, for how long?			
27. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
28. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry .....

Officer in charge.....

Master.....

(g) Discharge of water from slop tanks

29. Identity of slop tank(s)			
30. Time of settling from last entry or residues, or			
31. Time of settling from last discharge			
32. Date, time and position of ship at start of discharge			
33. Sounding of total contents at start of discharge			
34. Sounding of oil/water interface at start of discharge			
35. Bulk quantity discharged and rate of discharge			
36. Final quantity discharged and rate of discharge			
37. Date, time and position of ship at end of discharge			
38. Ship's speed(s) during discharge			
39. Sounding of oil/water interface at end of discharge			
40. Was any part of the discharge conducted during darkness, if so, for how long?			

41. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
42. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry ..... Officer in charge.....

Master.....

(h) Disposal of residues

43. Identity of tank(s)			
44. Quantity disposed from each tank			
45. Method of disposal of residue: (a) Reception facilities (b) Mixed with cargo (c) Transferred to another (other) tank(s) (identify tank(s)) (d) Other method (state which)			
46. Date and port of disposal of residue			

Date of entry ..... Officer in charge.....

Master.....

(i) Discharge of clean ballast contained in cargo tanks

47. Date and position of ship at commencement of discharge of clean ballast			
48. Identity of tank(s) discharged			
49. Was (were) the tank(s) empty on completion?			
50. Position of vessel on completion if different from 47			
51. Was any part of the discharge conducted during darkness, if so, for how long?			
52. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
53. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry ..... Officer in charge.....

Master.....

(j) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port[4]

54. Port			
55. Duration of stay			
56. Quantity disposed			
57. Date and place of disposal			
58. Method of disposal (state whether a separator was used)			

Date of entry ..... Officer in charge.....

Master.....

(k) Accidental or other exceptional discharges of oil

59. Date and time of occurrence			
60. Place or position of ship at time of occurrence			
61. Approximate quantity and type of oil			
62. Circumstances of discharge or escape, the reasons therefor and general remarks			

Date of entry ..... Officer in charge.....

Master.....

(l) Has the oil monitoring and control system been out of operation at any time when discharging overboard? If so, give time and date of failure and time and date of restoration and confirm that this was due to equipment failure and state reason if known .....

.....

.....

Date of entry ..... Officer in charge.....

Master.....

(m) Additional operational procedures and general remarks .....

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For oil tankers of less than 150 tons gross tonnage operating in accordance with Regulation 15(4) of Annex I of the Convention, an appropriate oil record book should be developed by the Administration.

For asphalt carriers, a separate oil record book may be developed by the Administration utilizing sections (a), (b), (c), (e), (h), (j), (k) and (m) of this form of oil record book.

4 Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".

II – FOR SHIPS OTHER THAN OIL TANKERS

Name of ship .....

Operations from ..... (date), to ..... (date)

(a) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted			
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried			
3. Date and position of ship at start of cleaning			
4. Date and position of ship at start of ballasting			

Date of entry ..... Officer in charge.....

Master.....

(b) Discharge of dirty ballast or cleaning water from tanks referred to under section (a)

5. Identity of tank(s)			
6. Date and position of ship at start of discharge			
7. Date and position of ship at finish of discharge			
8. Ship's speed(s) during discharge			
9. Method of discharge (state whether to reception facility or through installed equipment)			
10. Quantity discharged			

Date of entry ..... Officer in charge.....

Master.....

(c) Disposal of residues

11. Quantity of residue retained on board			
12. Methods of disposal of residue: (a) reception facilities (b) mixed with next bunkering (c) transferred to another (other) tank (d) other method (state which)			
13. Date and port of disposal of residue			

Date of entry ..... Officer in charge.....

Master.....

(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port[5]

14. Port			
15. Duration of stay			
16. Quantity discharged			
17. Date and place of discharge			
18. Method of discharge: (a) through oily-water separating equipment; (b) through oil filtering system; (c) through oily-water separating equipment and an oil filtering system; (d) to reception facilities			

Date of entry ..... Officer in charge.....

Master.....

(e) Accidental or other exceptional discharges of oil

19. Date and time of occurrence			
20. Place or position of ship at time of occurrence			
21. Approximate quantity and type of oil			
22. Circumstances of discharge or escape, the reasons therefor and general remarks			

Date of entry ..... Officer in charge.....

Master.....

(f) Has the required oil monitoring and control system been out of operation at any time when discharging overboard? If so, state time and date of failure and time and date of restoration, and confirm that this was due to equipment failure, and state reason if known

Date of entry ..... Officer in charge.....

Master.....

(g) New ships of 4,000 tons gross tonnage and above: has dirty ballast been carried in oil fuel tanks?

Yes/No .....

If so, state which tanks were so ballasted and method of discharge of the dirty ballast .....

.....

.....

Date of entry ..... Officer in charge.....

Master.....

6 Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".

(h) Additional operational procedures and general remarks .....

.....

.....

.....

Date of entry ..... Officer in charge.....

Master.....

ANNEX II

REGULATIONS FOR THE CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

Regulation 1

Definitions

For the purposes of this Annex:

(1) "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in Annex I of the present Convention when carrying a cargo or part cargo of noxious liquid substances in bulk.

(2) "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C or D has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Annex.

(3) "Segregated ballast" means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Annexes of the present Convention, and which is completely separated from the cargo and oil fuel system.

(4) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.

(5) "Liquid substances" are those having a vapour pressure not exceeding 2.8 kp/cm^2 at a temperature of 37.8°C.

(6) "Noxious liquid substance" means any substance designated in Appendix II to this Annex or provisionally assessed under the provisions of Regulation 3(4) as falling into Category A, B, C or D.

(7) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to its peculiar transportation traffic the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances is required.

Special areas shall be:

(a) The Baltic Sea Area, and

(b) The Black Sea Area.

(8) "Baltic Sea Area" is as defined in Regulation 10(1)(b) of Annex I of the present Convention.

(9) "Black Sea Area" is as defined in Regulation 10(1)(c) of Annex I of the present Convention.

Regulation 2

Application

(1) Unless expressly provided otherwise the provisions of this Annex shall apply to all ships carrying noxious liquid substances in bulk.

(2) Where a cargo subject to the provisions of Annex I of the present Convention is carried in a cargo space of a chemical tanker, the appropriate requirements of Annex I of the present Convention shall also apply.

(3) Regulation 13 of this Annex shall apply only to ships carrying substances which are categorized for discharge control purposes in Category A, B or C.

Regulation 3

Categorization and Listing of Noxious Liquid Substances

(1) For the purpose of the Regulations of this Annex, except Regulation 13, noxious liquid substances shall be divided into four categories as follows:

(a) Category A – Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures.

(b) Category B – Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures.

(c) Category C – Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions.

(d) Category D – Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

(2) Guidelines for use in the categorization of noxious liquid substances are given in Appendix I to this Annex.

(3) The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Annex is set out in Appendix II to this Annex.

(4) Where it is proposed to carry a liquid substance in bulk which has not been categorized under paragraph (1) of this Regulation or evaluated as referred to in Regulation 4(1) of this Annex, the Governments of Parties to the Convention involved in the proposed operation shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in paragraph (2) of this Regulation. Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed. As soon as possible, but not later than ninety days after its first carriage, the Administration concerned shall notify the Organization and provide details of the substance and the provisional assessment for prompt circulation to all Parties for their information and consideration. The Government of each Party shall have a period of ninety days in which to forward its comments to the Organization, with a view to the assessment of the substance.

Regulation 4

Other Liquid Substances

(1) The substances listed in Appendix III to this Annex have been evaluated and found to fall outside the Categories A, B, C and D, as defined in Regulation 3(1) of this Annex because they are presently considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operations.

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances listed in Appendix III to this Annex shall not be subject to any requirement of this Annex.

(3) The discharge into the sea of clean ballast or segregated ballast shall not be subject to any requirement of this Annex.

Regulation 5

Discharge of Noxious Liquid Substances

Categories A, B and C Substances outside Special Areas and Category D Substances in all Areas

Subject to the provisions of Regulation 6 of this Annex,

(1) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column III of Appendix II to this Annex and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than 5 per cent of the total volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(2) The discharge into the sea of substances in Category B as defined in Regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that that concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in sub-paragraph (b) of this paragraph, which shall in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(3) The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in sub-paragraph (b) of this paragraph, which shall in no case exceed the greater of 3 cubic metres or 1/1,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(4) The discharge into the sea of substances in Category D as defined in Regulation 3(1)(d) of this Annex, or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

(5) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with paragraph (1), (2), (3) or (4) of this Regulation, whichever is applicable.

(6) The discharge into the sea of substances which have not been categorized, provisionally assessed, or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Categories A, B and C Substances within Special Areas

Subject to the provisions of Regulation 6 of this Annex,

(7) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed the resulting residues shall be discharged to a reception facility which the States bordering the special area shall provide in accordance with Regulation 7 of this Annex, until the concentration or the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column IV of Appendix II to this Annex and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition

of a volume of water of not less than 5 per cent of the total volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(8) The discharge into the sea of substances in Category B as defined in Regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the tank has been washed after unloading with a volume of water of not less than 0.5 per cent of the total volume of the tank, and the resulting residues have been discharged to a reception facility until the tank is empty;

(b) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(c) the procedures and arrangements for discharge and washings are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(9) The discharge into the sea of substances in Category C as defined in Regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in sub-paragraph (b) of this paragraph which shall in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(10) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with paragraph (7), (8) or (9) of this Regulation, whichever is applicable.

(11) The discharge into the sea of substances which have not been categorized, provisionally assessed or evaluated as referred to in Regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

(12) Nothing in this Regulation shall prohibit a ship from retaining on board the residues from a Category B or C cargo and discharging such residues into the sea outside a special area in accordance with paragraph (2) or (3) of this Regulation, respectively.

(13) (a) The Governments of Parties to the Convention, the coastlines of which border on any given special area, shall collectively agree and establish a date by which time the requirement of Regulation 7(1) of this Annex will be fulfilled and from which the requirements of paragraphs (7), (8), (9) and (10) of this Regulation in respect of that area shall take effect and notify the Organization of the date so established at least six months in advance of that date. The Organization shall then promptly notify all Parties of that date.

(b) If the date of entry into force of the present Convention is earlier than the date established in accordance with sub-paragraph (a) of this paragraph, the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply during the interim period.

Regulation 6

Exceptions

Regulation 5 of this Annex shall not apply to:

(a) the discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at seas; or

(b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Regulation 7

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of reception facilities according to the needs of ships using its ports, terminals or repair ports as follows:

(a) cargo loading and unloading ports and terminals shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of the application of this Annex; and

(b) ship repair ports undertaking repairs to chemical tankers shall have facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

(2) The Government of each Party shall determine the types of facilities provided for the purpose of paragraph (1) of this Regulation at each cargo loading and unloading port, terminal and ship repair port in its territories and notify the Organization thereof.

(3) Each Party shall notify the Organization, for transmission to the Parties concerned, of any case where facilities required under paragraph (1) of this Regulation are alleged to be inadequate.

Regulation 8

Measures of Control

(1) The Government of each Party to the Convention shall appoint or authorize surveyors for the purpose of implementing this Regulation.

Category A Substances in all Areas

(2) (a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connexion with that tank shall also be entered in the Cargo Record Book.

(3) If the tank is to be washed:

(a) the effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix II to this Annex. When the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and certified by the surveyor; and

(b) after diluting the residue then remaining in the tank with at least 5 per cent of the tank capacity of water, this mixture may be discharged into the sea in accordance with the provisions of sub-paragraphs (1)(a), (b) and (c) or 7(a), (b) and (c), whichever is applicable, of Regulation 5 of this Annex. Appropriate entries of these operations shall be made in the Cargo Record Book.

(4) Where the Government of the receiving Party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to sub-paragraph (3)(a) provided that:

(a) a precleaning procedure for that tank and that substance, based on standards developed by the Organization, is approved by the Administration and that Party is satisfied that such procedure will fulfil the requirements of paragraph (1) or (7), whichever is applicable, of Regulation 5 of this Annex with respect to the attainment of the prescribed residual concentrations;

(b) a surveyor duly authorized by that Party shall certify in the Cargo Record Book that:

(i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure referred to in sub-paragraph (ii) of this paragraph has been based;

(ii) precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and

(iii) the tank washings resulting from such precleaning have been discharged to a reception facility and the tank is empty;

(c) the discharge into the sea of any remaining residues shall be in accordance with the provisions of paragraph (3)(b) of this Regulation and an appropriate entry is made in the Cargo Record Book.

Category B Substances outside Special Areas and Category C Substances in all Areas

(5) Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Government of the Party, the Master of a ship shall, with respect to a Category B substance outside special areas or a Category C substance in all areas, ensure compliance with the following:

(a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) If the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;

(ii) the quantity of substance remaining in the tank shall not exceed the maximum quantity which may be discharged into the sea for that substance under Regulation 5(2)(c) of this Annex outside special areas in the case of Category B substances, or under Regulations 5(3)(c) and 5(9)(c) outside and within special areas respectively in the case of Category C substances. An appropriate entry shall be made in the Cargo Record Book;

(iii) where it is intended to discharge the quantity of substance remaining into the sea the approved procedures shall be complied with, and the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book; or

(iv) where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(v) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Regulation 5 of this Annex for the appropriate area and Category of substance involved.

(c) If the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

(d) If after unloading a Category C substance within a special area, any residues or tank washings are to be retained on board until the ship is outside the special area, the Master shall so indicate by an appropriate entry in the Cargo Record Book and in this case the procedures set out in Regulation 5(3) of this Annex shall be applicable.

Category B Substances within Special Areas

(6) Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Government of the Party, the Master of a ship shall, with respect to a Category B substance within a special area, ensure compliance with the following:

(a) If a tank is partially unloaded or unloaded but not cleaned, as appropriate entry shall be made in the Cargo Record Book.

(b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connexion with that tank shall also be entered in the Cargo Record Book.

(c) If the tank is to be washed, the effluent from the tank washing operation, which shall contain a volume of water not less than 0.5 per cent of the total volume of the tank, shall be discharged from the ship to a reception facility until the tank, its pump and piping system are empty. An appropriate entry shall be made in the Cargo Record Book.

(d) If the tank is to be further cleaned and emptied at sea, the Master shall:

(i) ensure that the approved procedures referred to in Regulation 5(8)(c) of this Annex are complied with and that the appropriate entries are made in the Cargo Record Book; and

(ii) ensure that any discharge into the sea is made in accordance with the requirements of Regulation 5(8) of this Annex and an appropriate entry is made in the Cargo Record Book.

(e) If after unloading a Category B substance within a special area, any residues or tank washings are to be retained on board until the ship is outside the special area, the Master shall so indicate by an appropriate entry in the Cargo Record Book and in this case the procedures set out in Regulation 5(2) of this Annex shall be applicable.

Category D Substances in all Areas

(7) The Master of a ship shall, with respect to a Category D substance, ensure compliance with the following:

(a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

(b) If the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;

(ii) where it is intended to discharge the quantity of substance remaining into the sea, the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book; or

(iii) where the tank washings are not discharged into the sea, if an internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(iv) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Regulation 5(4) of this Annex.

(c) If the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

Discharge from a Slop Tank

(8) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A substance, or within a special area either a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1), (7) or (8) of this Annex, whichever is applicable. An appropriate entry shall be made in the Cargo Record Book.

(9) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a quantity of a Category B substance outside a special area or a Category C substance in all areas in excess of the aggregate of the maximum quantities specified in Regulation 5(2)(c), (3)(c) or (9)(c) of this Annex, whichever is applicable, shall be discharged to a reception facility. An appropriate entry shall be made in the Cargo Record Book.

Regulation 9

Cargo Record Book

(1) Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix IV to this Annex.

(2) The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance take place in the ship:

(i) loading of cargo;

(ii) unloading of cargo;

(iii) transfer of cargo;

(iv) transfer of cargo, cargo residues or mixtures containing cargo to a slop tank;

(v) cleaning of cargo tanks;

(vi) transfer from slop tanks;

(vii) ballasting of cargo tanks;

(viii) transfer of dirty ballast water;

(ix) discharge into the sea in accordance with Regulation 5 of this Annex.

(3) In the event of any discharge of the kind referred to in Article 7 of the present Convention and Regulation 6 of this Annex of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) When a surveyor appointed or authorized by the Government of the Party to the Convention to supervise any operations under this Annex has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(5) Each operation referred to in paragraphs (2) and (3) of this Regulation shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and,when the ship is manned, each page shall be signed by the Master of the ship. The entries in the Cargo Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(6) The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of two years after the last entry has been made.

(7) The competent authority of the Government of a Party may inspect the Cargo Record Book on board any ship to which this Annex applies while the ship is in its port, and may make a copy of any entry in that book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Cargo Record Book and

the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulation 10

Surveys

(1) Ships which are subject to the provisions of this Annex and which carry noxious liquid substances in bulk shall be surveyed as follows:

(a) An initial survey before a ship is put into service or before the certificate required by Regulation 11 of this Annex is issued for the first time, which shall include a complete inspection of its structure, equipment, fittings, arrangements and material in so far as the ship is covered by this Annex. The survey shall be such as to ensure full compliance with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration which shall not exceed five years and which shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) is extended as specified in Regulation 12(2) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(c) Intermediate surveys at intervals specified by the Administration which shall not exceed thirty months and which shall be such as to ensure that the equipment and associated pump and piping systems, fully comply with the applicable requirements of this Annex and are in good working order. The survey shall be endorsed on the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) issued under Regulation 11 of this Annex.

(2) Surveys of a ship with respect to the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned shall fully guarantee the completeness and efficiency of the surveys.

(3) After any survey of a ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, fittings, arrangements or material, covered by the survey without the sanction of the Administration, except the direct replacement of such equipment and fittings for the purpose of repair or maintenance.

Regulation 11

Issue of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued to any ship carrying noxious liquid substances which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention after survey of such ship in accordance with the provisions of Regulation 10 of this Annex.

(2) Such Certificate shall be issued either by the Administration or by a person or organization duly authorized by it. In every case the Administration shall assume full responsibility for the Certificate.

(3) (a) The Government of a Party may, at the request of the Administration, cause a ship to be surveyed and if satisfied that the provisions of this Annex are complied with shall issue or authorize the issue of a Certificate to the ship in accordance with this Annex.

(b) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(c) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and shall have the same force and receive the same recognition as a certificate issued under paragraph (1) of this Regulation.

(d) No International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued to any ship which is entitled to fly the flag of a State which is not a Party.

(4) The Certificate shall be drawn up in an official language of the issuing country in a form corresponding to the model given in Appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 12

Duration of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the structure, equipment, fittings, arrangements and material required by this Annex without the sanction of the Administration, except the direct replacement of such equipment or fitting for the purpose of repair or maintenance or if intermediate surveys as specified by the Administration under Regulation 10(1)(c) of this Annex are not carried out.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulation 13

Requirements for Minimizing Accidental Pollution

(1) The design, construction, equipment and operation of ships carrying noxious liquid substances in bulk which are subject to the provisions of this Annex shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) Pursuant to the provisions of paragraph (1) of this Regulation, the Government of each Party shall issue, or cause to be issued, detailed requirements on the design, construction, equipment and operation of such ships.

(3) In respect of chemical tankers, the requirements referred to in paragraph (2) of this Regulation shall contain at least all the provisions given in the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk adopted by the Assembly of the Organization in Resolution A.212(VII) and as may be amended by the Organization, provided that the amendments to that Code are adopted and brought into force in accordance with the provisions of Article 16 of the present Convention for amendment procedures to an Appendix to an Annex.

Appendix I

GUIDELINES FOR THE CATEGORIZATION OF NOXIOUS LIQUID SUBSTANCES

Category A Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLm less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B Substances which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of the sea food; or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D Substances which are practically non-toxic to aquatic life, (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the seafloor with a high biochemical oxygen demand (BOD); or highly hazardous to human health, with an LD_{50} of less than 5 mg/kg; or produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or moderately hazardous to human health, with an LD_{50} of 5 mg/kg or more, but less than 50 mg/kg and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of Regulation 4 of this Annex)
Substances other than those categorized in Categories A, B, C and D above.

Appendix II

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Substance	UN Number	Pollution Category for operational discharge (Regulation 3 of Annex II)	Residual concentration (per cent by weight) (Regulation 5(1) of Annex II)	Residual concentration (per cent by weight) (Regulation 5(7) of Annex II)
	I	II	III *Outside special areas*	IV *Within special areas*
Acetaldehyde	1089	C		
Acetic acid	1842	C		
Acetic anhydride	1715	C		
Acetone	1090	D		
Acetone cyanohydrin	1541	A	0.1	0.05
Acetyl chloride	1717	C		
Acrolein	1092	A	0.1	0.05
Acrylic acid*	-	C		
Acrylonitrile	1093	B		
Adiponitrile	-	D		
Alkylbenzene sulfonate	-			
(straight chain)		C		
(branched chain)		B		
Allyl alcohol	1098	B		
Allyl chloride	1100	C		
Alum (15% solution)	-	D		
Aminoethylethanolamine (Hydroxyethyl-ethylene-diamine)*	-	D		
Ammonia (28% aqueous)	1005	B		
iso-Amyl acetate	1104	C		
n-Amyl acetate	1104	C		
n-Amyl alcohol	-	D		
Aniline	1547	C		
Benzene	1114	C		
Benzyl alcohol	-	D		
Benzyl chloride	1738	B		
n-Butyl acetate	1123	D		
sec-Butyl acetate	1124	D		
n-Butyl acrylate	-	D		
Butyl butyrate*	-	B		
Butylene glycol(s)	-	D		
Butyl methacrylate	-	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
n-Butyraldehyde	1129	B		
Butyric acid	-	B		
Calcium hydroxide (solution)	-	D		
Camphor oil	1130	B		
Carbon disulphide	1131	A	0.01	0.005
Carbon tetrachloride	1846	B		
Caustic potash (Potassium hydroxide)	1814	C		
Chloroacetic acid	1750	C		
Chloroform	1888	B		
Chlorohydrins (crude)*	-	D		
Chloroprene*	1991	C		
Chlorosulphonic acid	1754	C		
para-Chlorotoluene	-	B		
Citric acid (10%–25%)	-	D		
Creosote	1334	A	0.1	0.05
Cresols	2076	A	0.1	0.05
Cresylic acid	2022	A	0.1	0.05
Crotonaldehyde	1143	B		
Cumene	1918	C		
Cyclohexane	1145	C		
Cyclohexanol	-	D		
Cyclohexanone	1915	D		
Cyclohexylamine*	-	D		
para-Cymene (Isopropyltoluene)*	2046	D		
Decahydronaphthalene	1147	D		
Decane*	-	D		
Diacetone alcohol*	1148	D		
Dibenzyl ether*	-	C		
Dichlorobenzenes	1591	A	0.1	0.05
Dichloroethyl ether	1916	B		
Dichloropropene - Dichloropropane mixture (D.D. Soil fumigant)	2047	B		
Diethylamine	1154	C		
Diethylbenzene (mixed isomers)	2049	C		
Diethyl ether	1155	D		
Diethylenetriamine*	2079	C		
Diethylene glycol monoethyl ether	-	C		
Diethylketone (3-Pentanone)	1156	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Diisobutylene*	2050	D		
Diisobutyl ketone	1157	D		
Diisopropanolamine	-	C		
Diisopropylamine	1158	C		
Diisopropyl ether*	1159	D		
Dimethylamine (40% aqueous)	1160	C		
Dimethylethanolamine (2-Dimethylamino-ethanol)*	2051	C		
Dimethylformamide	-	D		
1,4-Dioxane*	1165	C		
Diphenyl/Diphenyloxide, mixtures*	-	D		
Dodecylbenzene	-	C		
Epichlorohydrin	2023	B		
2-Ethoxyethyl acetate*	1172	D		
Ethyl acetate	1173	D		
Ethyl acrylate	1917	D		
Ethyl amyl ketone*	-	C		
Ethylbenzene	1175	C		
Ethyl cyclohexane	-	D		
Ethylene chlorohydrin (2-Chloro-ethanol)	1135	D		
Ethylene cyanohydrin*	-	D		
Ethylenediamine	1604	C		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol monoethyl ether (Methyl cellosolve)	1171	D		
2-Ethylhexyl acrylate*	-	D		
2-Ethylhexyl alcohol	-	C		
Ethyl lactate*	1192	D		
2-Ethyl 3-propyl-acrolein*	-	B		
Formaldehyde (37–50% solution)	1198	C		
Formic acid	1779	D		
Furfuryl alcohol	-	C		
Heptanoic acid*	-	D		
Hexamethylenediamine*	1783	C		
Hydrochloric acid	1789	D		
Hydrofluoric acid (40% aqueous)	1790	B		
Hydrogen peroxide (greater than 60%)	2015	C		
Isobutyl acrylate	-	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Isobutyl alcohol	1212	D		
Isobutyl methacrylate	-	D		
Isobutyraldehyde	2045	C		
Isooctane*	-	D		
Isopentane	-	D		
Isophorone	-	D		
Isopropylamine	1221	C		
Isopropyl cyclohexane	-	D		
Isoprene	1218	D		
Lactic acid	-	D		
Mesityl oxide*	1229	C		
Methyl acetate	1231	D		
Methyl acrylate	1919	C		
Methylamyl alcohol	-	D		
Methylene chloride	1593	B		
2-Methyl-5-Ethyl-pyridine*	-	B		
Methyl methacrylate	1247	D		
2-Methylpentene*	-	D		
alpha-Methylstyrene*	-	D		
Monochlorobenzene	1134	B		
Monoethanolamine	-	D		
Monoisopropanolamine	-	C		
Monomethyl ethanolamine	-	C		
Mononitrobenzene	-	C		
Monoisopropylamine	-	C		
Morpholine*	2054	C		
Naphthalene (molten)	1334	A	0.1	0.05
Naphthenic acids*	-	A	0.1	0.05
Nitric acid (90%)	2031/ 2032	C		
2-Nitropropane	-	D		
ortho-Nitrotoluene	1664	C		
Nonyl alcohol*	-	C		
Nonylphenol	-	C		
n-Octanol	-	C		
Oleum	1831	C		
Oxalic acid (10–25%)	-	D		
Pentachloroethane	1669	B		
n-Pentane	1265	C		
Perchloroethylene (Tetrachloroethylene)	1897	B		
Phenol	1671	B		
Phosphoric acid	1805	D		
Phosphorus (elemental)	1338	A	0.01	0.005

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Phthalic anhydride (molten)	-	C		
beta-Propiolactone*	-	B		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride	-	D		
n-Propyl acetate*	1276	C		
n-Propyl alcohol	1274	D		
n-Propylamine	1277	C		
Pyridine	1282	B		
Silicon tetrachloride	1818	D		
Sodium bichromate (solution)	-	C		
Sodium hydroxide	1824	C		
Sodium pentachlorophenate (solution)	-	A	0.1	0.05
Styrene monomer	2055	C		
Sulphuric acid	1830/ 1831/ 1832	C		
Tallow	-	D		
Tetraethyl lead	1649	A	0.1	0.05
Tetrahydrofuran	2056	D		
Tetrahydronaphthalene	1540	C		
Tetramethylbenzene	-	D		
Tetramethyl lead	1649	A	0.1	0.05
Titanium tetrachloride	1838	D		
Toluene	1294	C		
Toluene diisocyanate*	2078	B		
Trichloroethane	-	C		
Trichloroethylene	1710	B		
Triethanolamine	-	D		
Triethylamine	1296	C		
Trimethylbenzene*	-	C		
Tritolyl phosphate (Tricresyl phosphate)*	-	B		
Turpentine (wood)	1299	B		
Vinyl acetate	1301	C		
Vinylidene chloride*	1303	B		
Xylenes (mixed isomers)	1307	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Appendix III

LIST OF OTHER LIQUID SUBSTANCES CARRIED IN BULK

Acetonitrile (Methyl cyanide)
tert-Amyl alcohol
n-Butyl alcohol
Butyrolactone
Calcium chloride (solution)
Castor oil
Citric juices
Coconut oil
Cod liver oil
iso-Decyl alcohol
n-Decyl alcohol
Decyl octyl alcohol
Dibutyl ether
Diethanolamine
Diethylene glycol
Dipentene
Dipropylene glycol
Ethyl alcohol
Ethylene glycol
Fatty alcohols (C_{12}– C_{20})
Glycerine
n-Heptane
Heptene (mixed isomers)
n-Hexane
Ligroin
Methyl alcohol
Methylamyl acetate
Methyl ethyl ketone (2-butanone)
Milk
Molasses
Olive Oil
Polypropylene glycol
iso-Propyl acetate
iso-Propyl alcohol
Propylene glycol
Propylene oxide
Propylene tetramer
Propylene trimer
Sorbitol
Sulphur (liquid)
Tridecanol
Triethylene glycol
Triethylenetetramine
Tripropylene glycol
Water
Wine

Appendix IV

CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK

Name of ship .....

Cargo carrying capacity of
each tank in cubic metres .....

Voyage from ..... to .....

(a) Loading of cargo

1. Date and place of loading

2. Name and category of cargo(es) loaded

3. Identity of tank(s) loaded

(b) Transfer of cargo

4. Date of transfer

5. Identity of tank(s) (i) From
(ii) To

6. Was (were) tank(s) in 5(i) emptied?

7. If not, quantity remaining

(c) Unloading of cargo

8. Date and place of unloading

9. Identity of tank(s) unloaded

10. Was(were) tank(s) emptied?

11. If not, quantity remaining in tank(s)

12. Is (are) tank(s) to be cleaned?

13. Amount transferred to slop tank

14. Identity of slop tank

(d) Ballasting of cargo tanks

15. Identity of tank(s) ballasted

16. Date and position of ship at start of ballasting

..... Signature of Master

(e) Cleaning of cargo tanks

Category A substances

17. Identity of tank(s) cleaned

18. Date and location of cleaning

19. Method(s) of cleaning

20. Location of reception facility used

21. Concentration of effluent when discharge to reception facility stopped

22. Quantity remaining in tank

23. Procedure and amount of water introduced into tank in final cleaning

24. Location, date of discharge into sea

25. Procedure and equipment used in discharge into the sea

Category B, C and D substances

26. Washing procedure used

27. Quantity of water used

28. Date, location of discharge into sea

29. Procedure and equipment used in discharge into the sea

(f) Transfer of dirty ballast water

30. Identity of tank(s)

31. Date and position of ship at start of discharge into sea

32. Date and position of ship at finish of discharge into sea

33. Ship's speed(s) during discharge

34. Quantity discharged into sea

35. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))

36. Date and port of discharge to shore reception facilities (if applicable)

..... Signature of Master

(g) Transfer from slop tank/disposal of residue

37. Identity of slop tank(s)

38. Quantity disposed from each tank

39. Method of disposal of residue:

    (a) Reception facilities

    (b) Mixed with cargo

    (c) Transferred to another (other) tank(s) (identify tank(s))

    (d) Other method

40. Date and port of disposal of residue

(h) Accidental or other exceptional discharge

41. Date and time of occurrence

42. Place or position of ship at time of occurrence

43. Approximate quantity, name and category of substance

44. Circumstances of discharge or escape and general remarks.

..... Signature of Master

Appendix V

FORM OF CERTIFICATE

INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR
THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK (1973)

(*Note:* This Certificate shall be supplemented in the case of a chemical tanker by the certificate required pursuant to the provisions of Regulation 13(3) of Annex II of the Convention)

(Official Seal)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the authority of the Government of

.....
(full official designation of the country)

by .....
(full official designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with the provisions of Regulation 10 of Annex II of the Convention.

2. That the survey showed that the design, construction and equipment of the ship are such as to minimize the uncontrolled discharge into the sea of noxious liquid substances.

3. That the following arrangements and procedures have been approved by the Administration in connexion with the implementation of Regulation 5 of Annex II of the Convention:

.....

(Continued on the annexed signed and dated sheet(s))

.....

This certificate is valid, until .....
subject to intermediate survey(s) at intervals of .....

Issued at .....
(place of issue of Certificate)

..... 19..

.....
(Signature of duty authorized official issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

Intermediate surveys

This is to certify that at an intermediate survey required by Regulation 10(1)(c) of Annex II of the Convention, this ship and the condition thereof are found to comply with the relevant provisions of the Convention.

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 12(2) and (4) of Annex II of the Convention the validity of this Certificate is extended until

.....

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

ANNEX III

REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORMS, OR IN FREIGHT CONTAINERS, PORTABLE TANKS OR ROAD AND RAIL TANK WAGONS

Regulation 1

Application

(1) Unless expressly provided otherwise, the Regulations of this Annex apply to all ships carrying harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons.

(2) Such carriage of harmful substances is prohibited except in accordance with the provisions of this Annex.

(3) To supplement the provisions of this Annex the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packaging, marking and labelling, documentation, stowage, quantity limitations, exceptions and notification, for preventing or minimizing pollution of the marine environment by harmful substances.

(4) For the purpose of this Annex, empty receptacles, freight containers, portable tanks and road and rail tank wagons which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

Regulation 2

Packaging

Packagings, freight containers, portable tanks and road and rail wagons shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

Regulation 3

Marking and Labelling

Packages, whether shipped individually or in units or in freight containers, freight containers, portable tanks or road and rail tank wagons containing a harmful substance, shall be durably marked with the correct technical name (trade names shall not be used as the correct technical name), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification shall be supplemented where possible by any other means, for example by the use of the United Nations number.

Regulation 4

Documentation

(1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances shall be used (trade names shall not be used).

(2) The shipping documents supplied by the shipper shall include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.

(3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded.

(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Annex may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and other harmful substances.

Regulation 5

Stowage

Harmful substances shall be both properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of ship and persons on board.

Regulation 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the packaging and the inherent nature of the substance.

Regulation 7

Exceptions

(1) Discharge by jettisoning of harmful substances carried in packaged forms, freight containers, portable tanks or road and rail tank wagons shall be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

Regulation 8

Notification

With respect to certain harmful substances, as may be designated by the Government of a Party to the Convention, the master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

ANNEX IV

REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Regulation 1

Definitions

For the purposes of the present Annex:

(1) "New ship" means a ship:

(a) for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, on or after the date of entry into force of this Annex; or

(b) the delivery of which is three years or more after the date of entry into force of this Annex.

(2) "Existing ship" means a ship which is not a new ship.

(3) "Sewage" means:

(a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;

(b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other waste waters when mixed with the drainages defined above.

(4) "Holding tank" means a tank used for the collection and storage of sewage.

(5) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ South, longitude 142°08′ East to a point in latitude 10°35′ South,
longitude 141°55′ East — thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153° 15′ East.

Regulation 2

Application

The provisions of this Annex shall apply to:

(a) (i) new ships of 200 tons gross tonnage and above;

(ii) new ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;

(iii) new ships which do not have a measured gross tonnage and are certified to carry more than 10 persons; and

(b) (i) existing ships of 200 tons gross tonnage and above, 10 years after the date of entry into force of this Annex;

(ii) existing ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex; and

(iii) existing ships which do not have a measured gross tonnage and are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex.

Regulation 3

Surveys

(1) Every ship which is required to comply with the provisions of this Annex and which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under Regulation 4 of this Annex is issued for the first time, which shall include a survey of the ship which shall be such as to ensure:

(i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on standards and the test methods developed by the Organization;

(ii) when the ship is fitted with a system to comminute and disinfect the sewage, such a system shall be of a type approved by the Administration;

(iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the Administration for the retention of all sewage having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall have a means to indicate visually the amount of its contents; and

(iv) that the ship is equipped with a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility and that such a pipeline is fitted with a standard shore connection in compliance with Regulation 11 of this Annex.

This survey shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Sewage Pollution Prevention Certificate (1973) is extended as specified in Regulation 7(2) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the Administration, except the direct replacement of such equipment or fittings.

Regulation 4

Issue of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 3 of this Annex, to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

Regulation 5

Issue of a Certificate by another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Sewage Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as early as possible to the Administration requesting the survey.

(3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under Regulation 4 of this Annex.

(4) No International Sewage Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State, which is not a Party.

Regulation 6

Form of Certificaie

The International Sewage Pollution Prevention Certificate (1973) shall be drawn up in an official language of the issuing country in the form corresponding to the model given in the Appendix to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 7

Duration of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2), (3) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the equipment, fittings, arrangement or material required without the approval of the Administration, except the direct replacement of such equipment or fittings.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulation 8

Discharge of Sewage

(1) Subject to the provisions of Regulation 9 of this Annex, the discharge of sewage into the sea is prohibited, except when:

(a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with Regulation 3(1)(a) at a distance of more than four nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case, the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization; or

(b) the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in Regulation 3(1)(a)(i) of this Annex, and

(i) the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate (1973);

(ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of, the surrounding water; or

(c) the ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

(2) When the sewage is mixed with wastes or waste water having different discharge requirements, the more stringent requirements shall apply.

Regulation 9

Exceptions

Regulation 8 of this Annex shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

Regulation 10

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage, without using undue delay to ships, adequate to meet the needs of the ships using them.

(2) The Government of each Party shall notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Regulation 11

Standard Discharge Connections

To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

Description	Dimension
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm^2.	

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

Appendix

FORM OF CERTIFICATE

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE (1973)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.....

(full designation of the country)

by .....

(full designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage	Number of persons which the ship is certified to carry

New/existing ship*
Date of building contract .....
Date on which keel was laid or ship
was at a similar stage of construction .....
Date of delivery .....

THIS IS TO CERTIFY THAT:

(1) The ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pipeline in compliance with Regulation 3(1)(a)(i) to (iv) of Annex IV of the Convention as follows:

*(a) Description of the sewage treatment plant:
Type of sewage treatment plant .....
Name of manufacturer .....
The sewage treatment plant is certified by the Administration to meet the following effluent standards:** .....

*(b) Description of comminuter:
Type of comminuter .....
Name of manufacturer .....
Standard of sewage after disinfection .....

*(c) Description of holding tank equipment:
Total capacity of the holding tank ..... m^3
Location .....

(d) A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

(2) The ship has been surveyed in accordance with Regulation 3 of Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by sewage and the survey showed that the equipment of the ship and the condition thereof are in all respects satisfactory and the ship complies with the applicable requirements of Annex IV of the Convention.

This Certificate is valid until .....

Issued at .....
(place of issue of Certificate)

..... 19..
(Signature of official issuing the Certificate)

(Seal or stamp of the Issuing Authority, as appropriate)

* Delete as appropriate
** Parameters should be incorporated

Under the provisions of Regulation 7(2) and (4) of Annex IV of the Convention the validity of this Certificate is extended until

.....

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 1

Definitions

For the purposes of this Annex:

(1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.

(2) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ South, longitude 142°08′ East to a point in latitude 10°35′ South,
longitude 141°55′ East, thence to a point latitude 10°00′ South,
longitude 142°00′ East, thence to a point latitude 9°10′ South,
longitude 143°52′ East, thence to a point latitude 9°00′ South,
longitude 144°30′ East, thence to a point latitude 13°00′ South,
longitude 144°00′ East, thence to a point latitude 15°00′ South,
longitude 146°00′ East, thence to a point latitude 18°00′ South,
longitude 147°00′ East, thence to a point latitude 21°00′ South,
longitude 153°00′ East, thence to a point on the coast of Australia in latitude 24°42′ South, longitude 153°15′ East.

(3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shall include those listed in Regulation 5 of this Annex.

Regulation 2

Application

The provisions of this Annex shall apply to all ships.

Regulation 3

Disposal of Garbage outside Special Areas

(1) Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (b)(ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

(2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

Regulation 4

Special Requirements for Disposal of Garbage

(1) Subject to the provisions of paragraph (2) of this Regulation, the disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

(2) The disposal into the sea of food wastes may be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

Regulation 5

Disposal of Garbage within Special Areas

(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras al Fasteh (25°04′N, 61°25′E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) Reception facilities within special areas:

(a) The Government of each Party to the Convention, the coastline of which borders a special area undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this Regulation.

Regulation 6

Exceptions

Regulations 3, 4 and 5 of this Annex shall not apply to:

(a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

(c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

Regulation 7

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

(2) The Government of each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1978

Done at London 17 February 1978

Entered into force 2 October 1983 except for Annex V which entered into force 31 December 1988 and Annex III which entered into force 1 July 1992: Annex IV is not in force

Primary source citation: Senate Executive C, 96th Congress, 1st Session, U.S. Government Printing Office, Washington, 1979

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

The parties to the present protocol,

Recognizing the significant contribution which can be made by the International Convention for the Prevention of Pollution from Ships, 1973, to the protection of the marine environment from pollution from ships,

Recognizing also the need to improve further the prevention and control of marine pollution from ships, particularly oil tankers,

Recognizing further the need for implementing the Regulations for the Prevention of Pollution by Oil contained in Annex I of that Convention as early and as widely as possible,

Acknowledging however the need to defer the application of Annex II of that Convention until certain technical problems have been satisfactorily resolved,

Considering that these objectives may best be achieved by the conclusion of a Protocol relating to the International Convention for the Prevention of Pollution from Ships, 1973,

Have agreed as follows:

ARTICLE I

GENERAL OBLIGATIONS

1. The Parties to the present Protocol undertake to give effect to the provisions of:

   (a) the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol; and

(b) the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as "the Convention"), subject to the modifications and additions set out in the present Protocol.

2. The provisions of the Convention and the present Protocol shall be read and interpreted together as one single instrument.

3. Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

ARTICLE II

IMPLEMENTATION OF ANNEX II OF THE CONVENTION

1. Notwithstanding the provisions of Article 14(1) of the Convention, the Parties to the present Protocol agree that they shall not be bound by the provisions of Annex II of the Convention for a period of three years from the date of entry into force of the present Protocol or for such longer period as may be decided by a two-thirds majority of the Parties to the present Protocol in the Marine Environment Protection Committee (hereinafter referred to as "the Committee") of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization").

2. During the period specified in paragraph 1 of this Article, the Parties to the present Protocol shall not be under any obligations nor entitled to claim any privileges under the Convention in respect of matters relating to Annex II of the Convention and all reference to Parties in the Convention shall not include the Parties to the present Protocol in so far as matters relating to that Annex are concerned.

ARTICLE III

COMMUNICATION OF INFORMATION

The text of Article 11(1)(b) of the Convention is replaced by the following:

"a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the design, construction, equipment and operation of ships carrying harmful substances in accordance with the provisions of the Regulations for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations."

ARTICLE IV

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The present Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1978 to 31 May 1979 and shall thereafter remain open for accession. States may become Parties to the present Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

2. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

ARTICLE V

ENTRY INTO FORCE

1. The present Protocol shall enter into force twelve months after the date on which not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with Article IV of the present Protocol.

2. Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

3. After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with Article 16 of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

ARTICLE VI

AMENDMENTS

The procedures set out in Article 16 of the Convention in respect of amendments to the Articles, an Annex and an Appendix to an Annex of the Convention shall apply respectively to amendments to the Articles, the Annex and an Appendix to the Annex of the present Protocol.

ARTICLE VII

DENUNCIATION

1. The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months after receipt of the notification by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

ARTICLE VIII

DEPOSITARY

1. The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Depositary").

2. The Depositary shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(iv) any decision made in accordance with Article II(1) of the present Protocol;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

3. As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE IX

LANGUAGES

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

In witness whereof the undersigned being duly authorized by their respective Governments for that purpose have signed the present Protocol.

Done at London this seventeenth day of February one thousand nine hundred and seventy-eight.

ANNEX

MODIFICATIONS AND ADDITIONS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX I.—REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 1

Definitions

Paragraphs (1) to (7) —*No change*

The existing text of paragraph (8) is replaced by the following:

(8) (a) "Major conversion" means a conversion of an existing ship:

(i) which substantially alters the dimensions or carrying capacity of the ship; or

(ii) which changes the type of the ship; or

(iii) the intent of which in the opinion of the Administration is substantially to prolong its life; or

(iv) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Protocol not applicable to it as an existing ship.

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, conversion of an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of Regulation 13 of this Annex shall not be deemed to constitute a major conversion for the purposes of this Annex.

Paragraphs (9) to (22) —*No change*

The existing text of paragraph (23) is replaced by the following:

(23) "Lightweight" means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects.

Paragraphs (24) and (25) —*No change*

The following paragraphs are added to the existing text:

(26) Notwithstanding the provisions of paragraph (6) of this Regulation, for the purposes of Regulations 13, 13B, 13E and 18(5) of this Annex, "new oil tanker" means an oil tanker:

(a) for which the building contract is placed after 1 June 1979; or

(b) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after 1 January 1980; or

(c) the delivery of which is after 1 June 1982; or

(d) which has undergone a major conversion:

(i) for which the contract is placed after 1 June 1979; or

(ii) in the absence of a contract, the construction work of which is begun after 1 January 1980; or

(iii) which is completed after 1 June 1982,

except that, for oil tankers of 70,000 tons deadweight and above, the definition in paragraph (6) of this Regulation shall apply for the purposes of Regulation 13(1) of this Annex.

(27) Notwithstanding the provisions of paragraph (7) of this Regulation, for the purposes of Regulations 13, 13A, 13B, 13C, 13D and 18(6) of this Annex, "existing oil tanker" means an oil tanker which is not a new oil tanker as defined in paragraph (26) of this Regulation.

(28) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes:

(a) crude oil from which certain distillate fractions may have been removed; and

(b) crude oil to which certain distillate fractions may have been added.

(29) "Crude oil tanker" means an oil tanker engaged in the trade of carrying crude oil.

(30) "Product carrier" means an oil tanker engaged in the trade of carrying oil other than crude oil.

Regulations 2 and 3.—*No change*

Regulation 4

The existing text of Regulation 4 is replaced by the following:

Surveys and Inspections

(1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under Regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.

(c) A minimum of one intermediate survey during the period of validity of the Certificate which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the halfway date of the Certificate's period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under Regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the applicable provisions of this Annex are complied with.

(3) (a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) The Administration shall institute arrangements for unscheduled inspections to be carried out during the period of validity of the Certificate. Such inspections shall ensure that the ship and its equipment remain in all respects satisfactory for the service for which the ship is intended. These inspections may be carried out by their own inspection services, or by nominated surveyors or by recognized organizations, or by other Parties upon request of the Administration. Where the Administration, under the provisions of paragraph (1) of this Regulation, establishes mandatory annual surveys the above unscheduled inspections shall not be obligatory.

(c) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in sub-paragraphs (a) and (b) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship; and

(ii) carry out surveys and inspections if requested by the appropriate authorities of a Port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Protocol for the information of their officers.

(d) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the Port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the Port State, the Government of the Port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this Regulation. When applicable, the Government of the Port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(e) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(4) (a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Protocol to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(b) After any survey of the ship under paragraph (1) of this Regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

(c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this Regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the Port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulations 5, 6 and 7

In the existing text of these Regulations, delete all references to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulation 8

Duration of Certificate

The existing text of Regulation 8 is replaced by the following:

(1) An International Oil Pollution Prevention Certificate shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, provided that in the case of an oil tanker operating with dedicated clean ballast tanks for a limited period specified in Regulation 13(9) of this Annex, the period of validity of the Certificate shall not exceed such specified period.

(2) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate surveys as specified by the Administration under Regulation 4(1)(c) of this Annex are not carried out.

(3) A Certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Government issuing the new Certificate is fully satisfied that the ship is in full compliance with the requirements of Regulation 4(4)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party

whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulations 9 to 12.—*No change*

The existing text of Regulation 13 is replaced by the following Regulations:

Regulation 13

Segregated Ballast Tanks, Dedicated Clean Ballast Tanks and Crude Oil Washing

Subject to the provisions of Regulations 13C and 13D of this Annex, oil tankers shall comply with the requirements of this Regulation.

New oil tankers of 20,000 tons deadweight and above

(1) Every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2), (3) and (4), or paragraph (5) as appropriate, of this Regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast except as provided for in paragraph (3) or (4) of this Regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including the conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements:

(a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than:

dm=2.0+0.02L;

(b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm) as specified in sub-paragraph (a) of this paragraph, in association with the trim by the stern of not greater than 0.015L; and

(c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

(3) In no case shall ballast water be carried in cargo tanks except on those voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and in accordance with the requirements of Regulation 15 of this Annex and entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex.

(4) In the case of new crude oil tankers, the additional ballast permitted in paragraph (3) of this Regulation shall be carried in cargo tanks only if such tanks have been crude oil washed in accordance with Regulation 13B of this Annex before departure from an oil unloading port or terminal.

(5) Notwithstanding the provisions of paragraph (2) of this Regulation, the segregated ballast conditions for oil tankers less than 150 metres in length shall be to the satisfaction of the Administration.

(6) Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted with a cargo tank cleaning system using crude oil washing. The Administration shall undertake to ensure that the system fully complies with the requirements of Regulation 13B of this Annex within one year after the tanker was first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later. Unless such oil tanker carries crude oil which is not suitable for crude oil washing, the oil tanker shall operate the system in accordance with the requirements of that Regulation.

Existing crude oil tankers of 40,000 tons deadweight and above

(7) Subject to the provisions of paragraphs (8) and (9) of this Regulation every existing crude oil tanker of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) of this Regulation from the date of entry into force of the present Protocol.

(8) Existing crude oil tankers referred to in paragraph (7) of this Regulation may, in lieu of being provided with segregated ballast tanks, operate with a cargo tank cleaning procedure using crude oil washing in accordance with Regulation 13B of this Annex unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

(9) Existing crude oil tankers referred to in paragraph (7) or (8) of this Regulation may, in lieu of being provided with segregated ballast tanks or operating with a cargo tank cleaning procedure using crude oil washing, operate with dedicated clean ballast tanks in accordance with the provisions of Regulation 13A of this Annex for the following period:

(a) for crude oil tankers of 70,000 tons deadweight and above, until two years after the date of entry into force of the present Protocol; and

(b) for crude oil tankers of 40,000 tons deadweight and above but below 70,000 tons deadweight, until four years after the date of entry into force of the present Protocol.

Existing product carriers of 40,000 tons deadweight and above

(10) From the date of entry into force of the present Protocol, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) of this Regulation, or, alternatively, operate with dedicated clean ballast tanks in accordance with the provisions of Regulation 13A of this Annex.

An oil tanker qualified as a segregated ballast oil tanker

(11) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraph (1), (7) or (10) of this Regulation may, however, be qualified as a segregated ballast tanker, provided that it complies with the requirements of paragraphs (2) and (3), or paragraph (5) as appropriate, of this Regulation.

Regulation 13A

Requirements for Oil Tankers with Dedicated Clean Ballast Tanks

(1) An oil tanker operating with dedicated clean ballast tanks in accordance with the provisions of Regulation 13(9) or (10) of this Annex, shall have adequate tank capacity, dedicated solely to the carriage of clean ballast as defined in Regulation 1(16) of this Annex, to meet the requirements of Regulation 13(2) and (3) of this Annex.

(2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in Resolution 14 and as may be revised by the Organization.

(3) An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter, approved by the Administration on the basis of specifications recommended by the Organization[1], to enable supervision of the oil content in ballast water being discharged. The oil content meter shall be installed no later than at the first scheduled shipyard visit of the tanker following the entry into force of the present Protocol. Until such time as the oil content meter is installed, it shall immediately before discharge of ballast be established by examination of the ballast water from dedicated tanks that no contamination with oil has taken place.

[1] Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.393(X).

(4) Every oil tanker operating with dedicated clean ballast tanks shall be provided with:

(a) a Dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this Regulation. If an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised accordingly; and

(b) a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 1 to Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13B

Requirements for Crude Oil Washing

(1) Every crude oil washing system required to be provided in accordance with Regulation 13(6) and (8) of this Annex shall comply with the requirements of this Regulation.

(2) The crude oil washing installation and associated equipment and arrangements shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for the Design, Operation and Control of Crude Oil Washing Systems adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in Resolution 15 and as may be revised by the Organization.

(3) An inert gas system shall be provided in every cargo tank and slop tank in accordance with the appropriate Regulations of Chapter II–2 of the International Convention for the Safety of Life at Sea, 1974, as modified and added to by the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974.

(4) With respect to the ballasting of cargo tanks, sufficient cargo tanks shall be crude oil washed prior to each ballast voyage in order that, taking into account the tanker's trading pattern and expected weather conditions, ballast water is put only into cargo tanks which have been crude oil washed.

(5) Every oil tanker operating with crude oil washing systems shall be provided with:

(a) an Operations and Equipment Manual detailing the system and equipment and specifying operational procedures. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this Regulation. If an alteration affecting the crude oil washing system is made, the Operations and Equipment Manual shall be revised accordingly; and

(b) a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 2 to Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13C

Existing Tankers Engaged in Specific Trades

(1) Subject to the provisions of paragraphs (2) and (3) of this Regulation, Regulation 13(7) to (10) of this Annex shall not apply to an existing oil tanker solely engaged in specific trades between:

(a) ports or terminals within a State Party to the present Protocol; or

(b) ports or terminals of States Parties to the present Protocol, where:

(i) the voyage is entirely within a Special Area as defined in Regulation 10(1) of this Annex; or

(ii) the voyage is entirely within other limits designated by the Organization.

(2) The provisions of paragraph (1) of this Regulation shall only apply when the ports or terminals where cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and all the following conditions are complied with:

(a) subject to the exceptions provided for in Regulation 11 of this Annex, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the entry in the appropriate Sections of the Supplement to the Oil Record Book referred to in paragraph (3) of this Regulation is endorsed by the competent Port State authority;

(b) agreement has been reached between the Administration and the Governments of the Port States referred to in subparagraph (1)(a) or (b) of this Regulation concerning the use of an existing oil tanker for a specific trade;

(c) the adequacy of the reception facilities in accordance with the relevant provisions of this Annex at the ports or terminals referred to above, for the purpose of this Regulation, is approved by the Governments of the States Parties to the present Protocol within which such ports or terminals are situated; and

(d) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is solely engaged in such specific trade.

(3) Every oil tanker engaged in a specific trade shall be provided with a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 3 to Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13D

Existing Oil Tankers Having Special Ballast Arrangements

(1) Where an existing oil tanker is so constructed or operates in such a manner that it complies at all times with the draught and trim requirements set out in Regulation 13(2) of this Annex without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in Regulation 13(7) of this Annex, provided that all of the following conditions are complied with:

(a) operational procedures and ballast arrangements are approved by the Administration;

(b) agreement is reached between the Administration and the Governments of the Port States Parties to the present Protocol concerned when the draught and trim requirements are achieved through an operational procedure; and

(c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) In no case shall ballast water be carried in oil tanks except on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex.

(3) An Administration which has endorsed a Certificate in accordance with sub-paragraph (1)(c) of this Regulation shall communicate to the Organization the particulars thereof for circulation to the Parties to the present Protocol.

Regulation 13E

Protective Location of Segregated Ballast Spaces

(1) In every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above, the segregated ballast tanks required to provide the capacity to comply with the requirements of Regulation 13 of this Annex which are located within the cargo tank length, shall be arranged in accordance with the requirements of paragraphs (2), (3) and (4) of this Regulation to provide a measure of protection against oil outflow in event of grounding or collision.

(2) Segregated ballast tanks and spaces other than oil tanks within the cargo tank length (L_t) shall be so arranged as to comply with the following requirement:

$$\Sigma PA_c + \Sigma PA_s \geq J[L_t(B + 2D)]$$

where: PA_c = the side shell area in square meters for each segregated ballast tank or space other than an oil tank based on projected moulded dimensions,

PA_s = the bottom shell area in square metres for each such tank or space based on projected moulded dimensions,

L_t = length in metres between the forward and after extremities of the cargo tanks,

B = maximum breadth of the ship in metres as defined in Regulation 1(21) of this Annex,

D = moulded depth in metres measured vertically from the top of the keel to the top of the freeboard deck beam at side amidships. In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design,

J = 0.45 for oil tankers of 20,000 tons deadweight 0.30 for oil tankers of 200,000 tons deadweight and above, subject to the provisions of paragraph (3) of this Regulation.

For intermediate values of deadweight the value of "J" shall be determined by linear interpolation.

Whenever symbols given in this paragraph appear in this Regulation, they have the meaning as defined in this paragraph.

(3) For tankers of 20,000 tons deadweight and above the value of "J" may be reduced as follows:

$$J \text{ reduced} = \left[J - \left(a - \frac{O_c + O_s}{4O_A}\right)\right] \text{ or 0.2 whichever is greater}$$

where:

a = 0.25 for oil tankers of 200,000 tons deadweight

a = 0.40 for oil tankers of 300,000 tons deadweight

a = 0.50 for oil tankers of 420,000 tons deadweight and above,

For intermediate values of deadweight the value of "a" shall be determined by linear interpolation.

O_c = as defined in Regulation 23(1)(a) of this Annex,

O_s = as defined in Regulation 23(1)(b) of this Annex,

O_A = the allowable oil outflow as required by Regulation 24(2) of this Annex.

(4) In the determination of "PA_c" and "PA_s" for segregated ballast tanks and spaces other than oil tanks the following shall apply:

(a) the minimum width of each wing tank or space either of which extends for the full depth of the ship's side or from the deck to the top of the double bottom shall be not less than 2 metres. The width shall be measured inboard from the ship's side at right angles to the centre line. Where a lesser width is provided the wing tank or space shall not be taken into account when calculating the protecting area "PA_c"; and

(b) the minimum vertical depth of each double bottom tank or space shall be B/15 or 2 metres, whichever is the lesser. Where a lesser depth is provided the bottom tank or space shall not be taken into account when calculating the protecting area "PA_s".

The minimum width and depth of wing tanks and double bottom tanks shall be measured clear of the bilge area and, in the case of minimum width, shall be measured clear of any rounded gunwale area.

Regulation 14.—*No change*

Regulation 15

In the existing text of this Regulation, delete reference to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulations 16 and 17.—*No change*

Regulation 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

Paragraphs (1) to (4).—*No change.*

The following paragraphs are added to the existing text:

(5) Every new oil tanker required to be provided with segregated ballast tanks, or fitted with a crude oil washing system shall comply with the following requirements:

(a) it shall be equipped with oil piping so designed and installed that such oil retention in the lines is minimized; and

(b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided for that purpose and connected outboard of the ship's manifold valves.

(6) Every existing crude oil required to be provided with segregated ballast tanks, or fitted with a crude oil washing system or operated with dedicated clean ballast tanks, shall comply with the provisions of paragraph (5) (b) of this Regulation.

Regulation 19.—*No change*

Regulation 20

In the existing text of this Regulation, delete reference to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulations 21 to 25.—*No change*

Appendix I.—LIST OF OILS
No change

Appendix II.—FORM OF CERTIFICATE

The existing form of Certificate is replaced by the following form:

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

_____
(full designation of the country)

by _____
(full designation of the competent person or organization authorized under the provisions of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973)

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

Type of ship:

Crude oil tanker [2]

Product carrier [2]

Crude oil/product carrier [2]

Ship other than an oil tanker with cargo tanks coming under Regulation 2(2) of Annex I of the Protocol [2]

Ship other than any of the above [2]

Date of building or major conversion contract _____
Date on which keel was laid or ship was at a similar stage of construction or on which major conversion was commenced _____
Date on which keel was laid or ship was at a similar stage of construction or on which major conversion was commenced _____
Date of delivery or completion of major conversion _____

[2] Delete as appropriate.

PART A—ALL SHIPS

The ship is equipped with:

for ships of 400 tons gross tonnage and above:

(a) oily-water separating equipment [3] (capable of producing effluent with an oil content not exceeding 100 parts per million)

(b) an oil filtering system [3] (capable of producing effluent with an oil content not exceeding 100 parts per million)

for ships of 10,000 tons gross tonnage and above:

(c) an oil discharge monitoring and control system [3] (additional to (a) or (b) above) or

(d) oily-water separating equipment and an oil filtering system [3] (capable of producing effluent with an oil content not exceeding 15 parts per million) in lieu of (a) or (b) above.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4)(a) of Annex I of the Protocol:

Remarks:

Endorsement for Existing Ships [4]

This is to certify that this ship has now been so equipped as to comply with the requirements of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as relating to existing ships. [5]

Signed _____
(Signature of duly authorized official)

Place _____
Date _____
(Seal or stamp of the Authority, as appropriate)

PART B—OIL TANKERS [6]

Carrying capacity of ship (cubic meters)	Deadweight of ship (metric tons)	Length of ship (meters)

[3] Delete as appropriate.

[4] This entry need not be reproduced on a Certificate other than the first certificate issued to any ship.

[5] The period after the entry into force of the Protocol within which oily-water separating equipment, oil discharge control systems, oil filtering systems and/or slop tank arrangements must be provided is set out in Regulation 13A(3), 15(1) and 16(4) of Annex I of the Protocol.

[6] This Part should be completed for oil tankers including combination carriers, and those entries which are applicable should be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above.

It is certified that this ship is constructed and equipped, and must operate, in accordance with the following:

1. The ship is:

(a) required to be constructed according to and complies with [7]

(b) not required to be constructed according to [7]

(c) not required to be constructed according to, but complies with [7]

the requirements of Regulation 24 of Annex I of the Protocol.

2. This ship is

(a) required to be constructed according to and complies with [7]

(b) not required to be constructed according to [7]

the requirements of Regulation 13E of Annex I of the Protocol.

3. This ship is:

(a) required to be provided with segregated ballast tanks according to, and complies with [8]

(b) not required to be provided with segregated ballast tanks according to [8]

(c) not required to be provided with segregated ballast tanks according to, but complies with [8]

(d) in accordance with Regulation 13C or 13D of Annex I of the Protocol, and as specified in Part C of this Certificate, exempted from [8]

the requirements of Regulation 13 of Annex I of the Protocol

(e) fitted with a cargo tank cleaning system using crude oil washing in accordance with the provisions of Regulation 13B of Annex I of the Protocol, in lieu of being provided with segregated ballast tanks [8]

(f) provided with dedicated clean ballast tanks in accordance with the provisions of Regulation 13A of Annex I of the Protocol, in lieu of being either provided with segregated ballast tanks or fitted with a cargo tank cleaning system using crude oil washing [8]

4. This ship is:

(a) required to be fitted with a cargo tank cleaning system using crude oil washing according to, and complies with [9]

(b) not required to be fitted with a cargo tank cleaning system using crude oil washing according to [9]

the requirements of Regulation 13(6) of Annex I of the Protocol.

[7] Delete as appropriate.
[8] Delete as appropriate.
[9] Delete as appropriate.

Segregated ballast tanks [10]

The segregated ballast tanks are distributed as follows:

Tank	Volume (cubic meters)	Tank	Volume (cubic meters)

Dedicated Clean Ballast Tanks [11]

This ship is operating with dedicated clean ballast tanks until _____
(date)

in accordance with the requirements of Regulation 13A of Annex I of the Protocol.

The dedicated clean ballast tanks are designated as follows:

Tank	Volume (cubic meters)	Tank	Volume (cubic meters)

Manual [12]

This is to certify that his ship has been supplied with:

(a) a valid Dedicated Clean Ballast Tank Operation Manual in accordance with Regulation 13A of Annex I of the Protocol [13]

(b) a valid Operations and Equipment Manual for Crude Oil Washing in accordance with Regulation 13B of Annex I of the Protocol [13]

Identification of the valid Manual _____
Signed: _____
(Signature of duly authorized official)

Place: _____
Date: _____

(Seal or stamp of the Authority, as appropriate)

Identification of the valid Manual _____
Signed: _____
(Signature of duly authorized official)

Place: _____
Date: _____

(Seal or stamp of the Authority, as appropriate)

[10] Delete if not applicable.
[11] Delete if not applicable.
[12] Delete if not applicable.
[13] Delete as appropriate.

PART C—EXEMPTIONS [14]

This is to certify that this ship is:

(a) solely engaged in trade between _____ and _____ in accordance with Regulation 13C of Annex I of the Protocol [15]; or

(b) operating with special ballast arrangements in accordance with Regulation 13D of Annex I of the Protocol [15]

and is therefore exempted from the requirements of Regulation 13 of Annex I of the Protocol.

Signed: _____
(Signature of duly authorized official)

Place: _____
Date: _____

(Seal or stamp of the Authority, as appropriate)

This is to certify:

That the ship has been surveyed in accordance with Regulation 4 of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and that the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of that Protocol.

This Certificate is valid until _____
subject to intermediate
survey(s) at intervals of _____

Issued at _____
(Place of issue of Certificate)

_____ 19 ____ _____
(Signature of duly authorized official)

(Seal or stamp of the Authority, as appropriate)

INTERMEDIATE SURVEY

This is to certify that at an intermediate survey required by Regulation 4(1)(c) of Annex I of the Protocol 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, this ship and the condition thereof were found to comply with the relevant provisions of that Protocol.

Signed _____
(Signature of duly authorized official)

Place _____
Date _____
Next intermediate survey due _____

(Seal or stamp of the Authority, as appropriate)

[14] Delete if not applicable.
[15] Delete as appropriate.

Signed _____
(Signature of duly authorized official)

Place _____
Date _____
Next intermediate survey due _____

(Seal or stamp of the Authority, as appropriate)

Signed _____
(Signature of duly authorized official)

Place _____
Date _____
Next intermediate survey due _____

(Seal or stamp of the Authority, as appropriate)

Signed _____
(Signature of duly authorized official)

Place _____
Date _____

(Seal or stamp of the Authority, as appropriate)

APPENDIX III

FORM OF OIL RECORD BOOK

The following forms of Supplements to the Oil Record Book are added to the existing form:

Supplement 1

FORM OF SUPPLEMENT TO OIL RECORD BOOK FOR OIL TANKERS OPERATED WITH DEDICATED CLEAN BALLAST TANKS [16]

Name of ship _____
Distinctive number or letters _____
Total cargo carrying capacity _____ cubic metres
Total dedicated clean ballast capacity _____ cubic metres

The following tanks are designated as dedicated clean ballast tanks:

Tank	Volume (cubic meters)	Tank	Volume (cubic meters)

Note: The periods covered by the supplement should be consistent with the periods covered by the Oil Record Book.

[16] This Supplement should be attached to the Oil Record Book for oil tankers operating with dedicated clean ballast tanks in accordance with Regulation 13A of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973. Other information as required should be entered in the Oil Record Book.

(A) BALLASTING OF DEDICATED CLEAN BALLAST TANKS

101. Identity of tank(s) ballasted _____
102. Date and position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s) _____
103. Date and position of ship when pump(s) and lines were flushed to slop tank _____
104. Date and position of ship when additional ballast water was taken to dedicated clean ballast tank(s) _____
105. Date, time and position of ship when (a) valves to slop tank, (b) valves to cargo tanks, (c) other valves affecting the clean ballast system were closed _____
106. Quantity of clean ballast taken on board _____

The undersigned certifies that, in addition to the above, all sea valves, cargo tank and pipeline connexions and connexions between tanks or inter-tank connexions, were secured on the completion of ballasting of dedicated clean ballast tanks.

Date of entry _____ Officer in charge _____
Master _____

(B) DISCHARGE OF CLEAN BALLAST

107. Identity of tank(s) _____
108. Date, time and position of ship at start of discharge of clean ballast (a) to sea, or (b) into reception facility _____
109. Date, time and position of ship upon completion of discharge to sea _____
110. Quantity discharged (a) to sea, or (b) into reception facility _____
111. Was the ballast water checked for oil contamination before discharge? _____
112. Was the discharged monitored during discharge by an oil content meter? _____
113. Was there any indication of oil contamination of the ballast water before or during discharge? _____
114. Date and position of ship when pump and lines were flushed after loading _____
115. Date, time and position of ship when (a) valves to slop tank, (b) valves to cargo tanks, (c) other valves affecting the clean ballast system were closed _____
116. Quantity of polluted water transferred to slop tank(s). (Identify slop tank(s)) _____

The undersigned certifies that, in addition to the above, all sea valves overboard discharge valves, cargo tank and pipeline connexions and connexions between tanks or inter-tank connexions, were secured on completion of discharge of clean ballast and that the pump(s) and pipes designated for clean ballast operations were properly cleaned upon completion of discharge of clean ballast.

Date of entry _____ Officer in charge _____
Master _____

Supplement 2

FORM OF SUPPLEMENT TO OIL RECORD BOOK FOR CRUDE OIL TANKERS OPERATING WITH A CARGO TANK CLEANING PROCEDURE USING CRUDE OIL WASHING [17]

Name of ship _____
Distinctive number or letters _____
Total cargo carrying capacity _____ cubic metres
Voyage from _____ (Port(s)) _____ (date) to _____ (Port(s)) _____ (date)

NOTES: The periods covered by the supplement should be consistent with the periods covered by the Oil Record Book.

The cargo tanks crude oil washed should be those laid down in the Operations and Equipment Manual required by Regulation 13B(5) (a) of the Protocol.

A separate column should be used for each tank washed or water rinsed.

(A) CRUDE OIL WASHING

201. Date when and port where crude oil washing was carried out or ship's position if carried out between two discharge ports _____
202. Identity of tank(s) washed (see note 1) _____
203. Number of machines in use _____
204. Commenced washing:
    (a) Date and time _____
    (b) Ullage _____
205. Washing pattern employed (see note 2) _____
206. Washing line pressure _____
207. Completed or stopped washing:
    (a) Date and time _____
    (b) Ullage _____
208. Remarks _____

Note 1: When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g., No. 2 centre, forward section.

Note 2: In accordance with the Operations and Equipment Manual, enter whether single-stage or multistage method of washing is employed. If multistage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the program.

Note 3: If the programs given in the Operations and Equipment Manual are not followed, then details must be given under Remarks.

The tanks were washed in accordance with programmes given in the Operations and Equipment Manual (see Note 3) and confirmed dry on completion.

Date of entry _____ Officer in charge _____
Master _____

[17] This Supplement should be attached to the Oil Record Book for crude oil tankers operating with a cargo tank cleaning procedure using crude oil washing in accordance with Regulation 13B of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and is intended to replace Section (e) of the Oil Record Book. Details of ballasting and deballasting and other information required should be entered in the Oil Record Book.

(B) WATER RINSING OR FLUSHING OF TANK BOTTOMS

209. Date and position of ship when rinsing or flushing was carried out _____
210. Identity of tank(s) and date _____
211. Volume of water used _____
212. Transferred to:
(a) Reception facilities _____
(b) Slop tank(s) (identify slop tank(s)) _____

Date of entry _____ Officer in charge _____
Master _____

Supplement 3

FORM OF SUPPLEMENT TO OIL RECORD BOOK FOR OIL TANKERS ENGAGED IN SPECIFIC TRADES [18]

Name of ship _____
Distinctive number or letters _____
Total cargo carrying capacity _____ cubic metres
Total ballast water capacity required for compliance with Regulation 13(2) and (3) of Annex I of the Protocol _____ cubic metres
Voyages from _____ (Port(s)) to _____ (Port(s))

NOTE: The periods covered by the Supplement should be consistent with the periods covered by the Oil Record Book.

(A) LOADING OF BALLAST WATER

301. Identity of tanks ballasted _____
302. Date and position of ship when ballasted _____
303. Total quantity of ballast loaded in cubic metres _____
304. Method of calculating ballast quantity _____
305. Remarks _____
306. Date and signature of officer in charge _____
307. Date and signature of Master _____

(B) REALLOCATION OF BALLAST WATER WITHIN THE SHIP

308. Reason for reallocation _____
309. Date and signature of officer in charge _____
310. Date and signature of Master _____

(C) BALLAST WATER DISCHARGE TO RECEPTION FACILITY

311. Date and port(s) where ballast water was discharged _____
312. Name or designation of reception facility _____
313. Total quantity of ballast water discharged in cubic metres _____
314. Method of calculating ballast quantity _____
315. Date and signature of officer in charge _____
316. Date and signature of Master _____
317. Date, signature and stamp of port authority official _____

[18] This Supplement should be attached to the Oil Record Book for oil tankers engaged in specific trades in accordance with Regulation 13C of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and is intended to replace Sections (d), (f), (g) and (i) of the Oil Record Book. Other information required should be entered in the Oil Record Book.

ANNEX II.—REGULATIONS FOR THE CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

No Change

ANNEX III.—REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORMS, OR IN FREIGHT CONTAINERS, PORTABLE TANKS OR ROAD AND RAIL TANK WAGONS

No Change

ANNEX IV.—REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

No Change

ANNEX V.—REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

No Change

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1984

Done at London 7 September 1984

Entered into force 7 January 1986

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AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Regulation 9

Control of Discharge of Oil

The existing text of sub-paragraph (1)(a)(vi) is replaced by the following:

"(vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex."

The existing text of sub-paragraph (1)(b)(v) is replaced by the following:

"(v) the ship has in operation an oil discharge monitoring and control system, oily-water separating equipment, oil filtering equipment or other installation as required by Regulation 16 of this Annex."

The existing text of paragraph (4) is replaced by the following:

"(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues. The provisions of sub-paragraph (1)(b) of this Regulation shall not apply to the discharge of the processed oily mixture, provided that all of the following conditions are satisfied:

(a) the only mixture does not originate from cargo pump-room bilges;

(b) the oily mixture is not mixed with oil cargo residues;

(c) the oil content of the effluent without dilution does not exceed 15 parts per million; and

(d) the ship has in operation oil filtering equipment complying with Regulation 16(7) of this Annex."

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while Operating in Special Areas

The existing texts of paragraphs (2), (3) and (4) are replaced by the following:

"(2) Subject to the provisions of Regulation 11 of this Annex:

(a) any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited while in a special area;

(b) any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

(i) the ship is proceeding en route;

(ii) the oil content of the effluent is less than 100 parts per million; and

(iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

(3) (a) The provisions of paragraph (2) of this Regulation shall not apply to the discharge of clean or segregated ballast.

(b) The provisions of sub-paragraph (2)(a) of this Regulation shall not apply to the discharge of processed bilge water from machinery spaces, provided that all the following conditions are satisfied:

(i) the bilge water does not originate from cargo pump-room bilges;

(ii) the bilge water is not mixed with oil cargo residues;

(iii) the ship is proceeding en route;

(iv) the oil content of the effluent without dilution does not exceed 15 parts per million;

(v) the ship has in operation oil filtering equipment complying with Regulation 16(7) of this Annex; and

(vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.

(4) (a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(b) The oil residues which cannot be discharged into the sea in compliance with paragraph (2) or (3) of this Regulation shall be retained on board or discharged to reception facilities."

Regulation 13

Segregated Ballast Tanks, Dedicated Clean Ballast Tanks and Crude Oil Washing

The existing text of paragraph (3) is replaced by the following:

"(3) In no case shall ballast water be carried in cargo tanks, except:

(a) on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship;

(b) in exceptional cases where the particular character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity required under paragraph (2) of this Regulation, provided that such operation of the oil tanker falls under the category of exceptional cases as established by the Organization.

Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and in accordance with the requirements of Regulation 15 of this Annex and an entry shall be made in the Oil Record Book referred to in Regulation 20 of this Annex."

Regulation 13A

Requirements for Oil Tankers with Dedicated Clean Ballast Tanks

Paragraph (4)(b) is deleted and paragraph (4)(a) is renumbered as (4).

Regulation 13B

Requirements for Crude Oil Washing

The following words are added to the end of paragraph (3):

"and as may be further amended."

Paragraph (5)(b) is deleted and paragraph (5)(a) is renumbered as (5).

Regulation 13C

Existing Tankers Engaged in Specific Trades

The first phrase of paragraph (1) is amended to read as follows:

"(1) Subject to the provisions of paragraph (2) of this Regulation, Regulation 13(7) to (10) of this Annex shall not apply to an existing oil tanker solely engaged in specific trades between:"

The existing text of paragraph (2)(a) is replaced by the following:

"(a) subject to the exceptions provided for in Regulation 11 of this Annex, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the appropriate entry in the Oil Record Book referred to in Regulation 20 of this Annex is endorsed by the competent Port State Authority;"

Paragraph (3) is deleted.

Regulation 14

The title of the Regulation is replaced by the following:

"Segregation of Oil and Water Ballast and Carriage of Oil in Forepeak Tanks"

The following new paragraphs are added to the existing text:

"(4) In a ship of 400 tons gross tonnage and above, for which the building contract is placed after 1 January 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(5) All ships other than those subject to paragraph (4) of this Regulation shall comply with the provisions of that paragraph, as far as is reasonable and practicable."

Regulation 15

Retention of Oil on Board

The existing text of paragraph (2)(c) is replaced by the following:

"(c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slop generated by tank washings, oil residues and dirty ballast residues. The total capacity of the slop tank or tanks shall not be less than 3 per cent of the oil carrying capacity of the ships, except that the Administration may accept:

(i) 2 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;

(ii) 2 per cent where segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with Regulation 13 of this Annex, or where a cargo tank cleaning system using crude oil washing is fitted in accordance with Regulation 13B of this Annex. This capacity may be further reduced to 1.5 percent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;

(iii) 1 per cent for combination carriers where oil cargo is only carried in tanks with smooth walls. This capacity may be further reduced to 0.8 per cent where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system.

New oil tankers of 70,000 tons deadweight and above shall be provided with at least two slop tanks."

The last sentence of the existing text of paragraph (3)(a) is replaced by the following:

"(a) The oil discharge monitoring and control system shall be designed and installed in compliance with the Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers developed by the Organization.* Administrations may accept such specific arrangements as detailed in the Guidelines and Specification."

The following footnote is added to paragraph (3)(a):

"* Reference is made to the Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers adopted by the Organization by resolution A.496(XII)."

The existing text of paragraph (5) is replaced by the following:

"(5) (a) The Administration may waive the requirements of paragraphs (1), (2) and (3) of this Regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is engaged exclusively in trades between ports or terminals within a State Party to the present Convention. Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.

(b) The Administration may waive the requirements of paragraph (3) of this Regulation for oil tankers other than those referred to in subparagraph (a) of this paragraph in cases where:

(i) the tanker is an existing oil tanker of 40,000 tons deadweight or above, as referred to in Regulation 13C(1) of this Annex, engaged in specific trades, and the conditions specified in Regulation 13C(2) are complied with; or

(ii) the tanker is engaged exclusively in one or more of the following categories of voyages:

(1) voyages within special areas; or

(2) voyages within 50 miles from the nearest land outside special areas where the tanker is engaged in:

(aa) trades between ports or terminals of a State Party to the present Convention; or

(bb) restricted voyages as determined by the Administration, and of 72 hours or less in duration;

provided that all of the following conditions are complied with:

(3) all oily mixtures are retained on board for subsequent discharge to reception facilities;

(4) for voyages specified in sub-paragraph (b)(ii)(2) of this paragraph, the Administration has determined that adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;

(5) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in sub-paragraphs (b)(ii)(1) and (b)(ii)(2)(bb) of this paragraph; and

(6) the quantity, time, and port of the discharge are recorded in the Oil Record Book."

The existing text of paragraph (7) is replaced by the following:

"(7) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers carrying asphalt or other products subject to the provisions of this Annex, which through their physical properties inhibit effective product/water separation and monitoring, for which the control of discharge under Regulation 9 of this Annex shall be effected by the retention of residues on board with discharge of all contaminated washings to reception facilities."

Regulation 16

The existing text of Regulation 16 is replaced by the following:

"Oil Discharge Monitoring and Control System and Oily-Water Separating and Oil Filtering Equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage shall be fitted with oily-water separating equipment (100 ppm equipment) complying with paragraph (6) of this Regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this Regulation or paragraph (1) of Regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be fitted either:

(a) with oily-water separating equipment (100 ppm equipment) complying with paragraph (6) of this Regulation and with an oil discharge monitoring and control system complying with paragraph (5) of this Regulation; or

(b) with oil filtering equipment (15 ppm equipment) complying with paragraph (7) of this Regulation.

(3) (a) The Administration may waive the requirements of paragraphs (1) and (2) of this Regulation for any ship engaged exclusively on:

(i) voyages within special areas; or

(ii) voyages within 12 miles of the nearest land outside special areas, provided the ship is in:

(1) trade between ports or terminals within a State Party to the present Convention; or

(2) restricted voyages as determined by the Administration;

provided that all of the following conditions are complied with:

(iii) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;

(iv) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(v) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;

(vi) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages specified in sub-paragraph (a)(i) or (a)(ii)(2) of this paragraph; and

(vii) the quantity, time, and port of the discharge are recorded in the Oil Record Book.

(b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of Regulation 9(1)(b) of this Annex.

(4) For existing ships the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply three years after the date of entry into force of the present Convention.

(5) An oil discharge monitoring and control system shall be of a design approved by the Administration. In considering the design of the oil content meter to be incorporated into the system, the Administration shall have regard to the specification recommended by the Organization.* The system shall be fitted with a recording device to provide a continuous record of the oil content in parts per million. This record shall be identifiable as to time and date and shall be kept for at least three years. The system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the oil content of effluent exceeds that permitted by Regulation 9(1)(b) of this Annex. Any failure of the system shall stop the discharge and be noted in the Oil Record Book. The defective unit shall be made operable before the ship commences its next voyage unless it is proceeding to a repair port. Existing ships shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually.

(6) Oily-water separating equipment referred to in paragraphs (1) and (2)(a) of this Regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content of less than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.*

(7) Oil filtering equipment referred to in paragraph (2)(b) of this Regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.* In the case of ships less than 10,000 tons gross tonnage, other than those carrying large quantities of oil fuel or those discharging bilge water under Regulation 10(3)(b), which are provided with oil filtering equipment in lieu of oily-water separating equipment, the requirements for the alarm arrangements shall be complied with as far as reasonable and practicable."

The following footnote is added to paragraphs (5), (6) and (7) of Regulation 16:

"* Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by Resolution A.393(X)."

Regulation 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

The existing text of Regulation 18 is replaced by the following:

"(1) In every oil tanker, a discharge manifold for connexion to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of ballast water or oil contaminated water from cargo tank areas which may be permitted under Regulation 9 or Regulation 10 of this Annex shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition. Different piping arrangements to permit operation in the manner permitted in sub-paragraphs (6)(a) to (e) of this Regulation may be accepted.

(3) In new oil tankers means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than those discharges below the waterline permitted under paragraph (6) of this Regulation, from a position on the upper deck or above located so that the manifold in use referred to in paragraph (1) of this Regulation and the discharge to the sea from the pipelines referred to in paragraph (2) of this Regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as a telephone or radio system is provided between the observation position and the discharge control position.

(4) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall comply with the following requirements:

(a) it shall be equipped with oil piping so designed and installed that oil retention in the lines is minimized; and

(b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided and shall be connected outboard of the ship's manifold valves.

(5) Every existing crude oil tanker required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks, shall comply with the provisions of paragraph (4)(b) of this Regulation.

(6) On every oil tanker the discharge of ballast water or oil contaminated water from cargo tank areas shall take place above the waterline, except as follows:

(a) Segregated ballast and clean ballast may be discharged below the waterline:

(i) in ports or at offshore terminals, or

(ii) at sea by gravity,

provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

(b) Existing oil tankers which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

(c) Existing oil tankers operating with dedicated clean ballast tanks, which without modification are not capable of discharging ballast water from dedicated clean ballast tanks above the waterline, may discharge this ballast below the waterline provided that the discharge of the ballast water is supervised in accordance with Regulation 13A(3) of this Annex.

(d) On every oil tanker at sea, dirty ballast water or oil contamined water from tanks in the cargo area, other than slop tanks, may be discharged by gravity below the waterline, provided that sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water has been examined immediately before the discharge with an oil/water interface detector referred to in Regulation 15(3)(b) of this Annex, in order to ensure that the height of the interface is such that the discharge does not involve any increased risk of harm to the marine environment.

(e) On existing oil tankers at sea, dirty ballast water or oil contaminated water from cargo tank areas may be discharged below the waterline, subsequent to or in lieu of the discharge by the method referred to in sub-paragraph (d) of this paragraph, provided that:

(i) a part of the flow of such water is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation; and

(ii) such part flow arrangements comply with the requirements established by the Administration, which shall contain at least all the provisions of the Specifications for the Design, Installation and Operation of a Part Flow System for Control of Overboard Discharges adopted by the Organization."

Regulation 20

Oil Record Book

The existing texts of paragraphs (1) and (2) are replaced by the following:

"(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book Part I (Machinery Space Operations). Every oil tanker of 150 tons gross tonnage and above shall also be provided with an Oil Record Book Part II (Cargo/Ballast Operations). The Oil Record Book(s), whether as a part of the ship's official log book or otherwise, shall be in the Form(s) specified in Appendix III to this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank to tank basis if appropriate, whenever any of the following operations take place in the ship:

(a) for machinery space operations (all ships):

(i) ballasting or cleaning of oil fuel tanks;

(ii) discharge of dirty ballast or cleaning water from tanks referred to under (i) of the sub-paragraph;

(iii) disposal of oily residues (sludge);

(iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces.

(b) for cargo/ballast operations (oil tankers):

(i) loading of oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) unloading of oil cargo;

(iv) ballasting of cargo tanks and dedicated clean ballast tanks;

(v) cleaning of cargo tanks including crude oil washing;

(vi) discharge of ballast except from segregated ballast tanks;

(vii) discharge of water from slop tanks;

(viii) closing of all applicable valves or similar devices after slop tank discharge operations;

(ix) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;

(x) disposal of residues."

The second sentence of paragraph (4) is replaced by the following:

"Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of the ship."

The following new paragraph is added to the existing text:

"(7) For oil tankers of less than 150 tons gross tonnage operating in accordance with Regulations 15(4) of this Annex an appropriate Oil Record Book should be developed by the Administration."

Regulation 21

Special Requirements for Drilling Rigs and other Platforms

The following new sub-paragraph is added to the existing text:

"(d) Outside special areas and more than 12 nautical miles from the nearest land and subject to the provisions of Regulation 11 of this Annex, the discharge from such drilling rigs and platforms when stationary into the sea of oil or oily mixtures shall be prohibited except when the oil content of the discharges without dilution does not exceed 100 parts per million unless there are appropriate national regulations which are more stringent, in which case the appropriate national regulations shall apply."

Regulation 25

Subdivision and Stability

The existing text of sub-paragraph (a) of paragraph (2) is replaced by the following and sub-paragraphs (b), (c) and (d) are renumbered as (d), (e) and (f):

"(a) Side damage

(i)	Longitudinal extent	$1/3(L^{2/3})$ or 14.5 metres, whichever is less
(ii)	Transverse extent (Inboard from the ship's side at right angles to the centreline at the level of the summer load line)	B/5 or 11.5 metres, whichever is less
(iii)	Vertical extent	From the moulded line of the bottom shell plating at centreline, upwards without limit

(b)	Bottom damage	For 0.3L from the forward perpendicular of the ship	Any other part of the ship
(i)	Longitudinal extent	$1/3(L^{2/3})$ or 14.5 metres, whichever is less	$1/3(L^{2/3})$ or 5 metres, whichever is less
(ii)	Transverse extent	B/6 or 10 metres, whichever is less	B/6 or 5 metres, whichever is less
(iii)	Vertical extent	B/15 or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline	B/15 or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline

(c) If any damage of a lesser extent than the maximum extent of damage specified in sub-paragraphs (a) and (b) of this paragraph would result in a more severe condition, such damage shall be considered."

The existing text of sub-paragraph (3)(c) is replaced by the following:

"(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre within the 20 degrees range; the area under the curve within this range shall not be less than 0.0175 metre radians. Unprotected openings shall not be immersed within this range unless the space concerned is assumed to be flooded. Within this range, the immersion of any of the openings listed in sub-paragraph (a) of this paragraph and other openings capable of being closed weathertight may be permitted."

The following new sub-paragraph is added to the existing text of paragraph (3):

"(e) Equalization arrangements requiring mechanical aids such as valves or cross-levelling pipes, if fitted, shall not be considered for the purpose of reducing an angle of heel or attaining the minimum range of residual stability to meet the requirements of sub-paragraphs (a), (b) and (c) of this paragraph and sufficient residual stability shall be maintained during all stages where equalization is used. Spaces which are linked by ducts of a large cross-sectional area may be considered to be common."

The existing text of paragraph (4)(b) is replaced by the following:

"(b) The permeabilities assumed for spaces flooded as a result of damage shall be as follows:

Spaces	*Permeabilities*
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 to 0.95*
Intended for other liquids	0 to 0.95*

* The permeability of partially filled compartments shall be consistent with the amount of liquid carried in the compartment. Whenever damage penetrates a tank containing liquids, it shall be assumed that the contents are completely lost from that compartment and replaced by salt water up to the level of the final plane of equilibrium."

The first phrase of paragraph (5) is amended to read:

"(5) The Master of every new oil tanker and the person in charge of a new non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:"

Appendix II

The existing form of Certificate is replaced by the following forms:

"FORMS OF CERTIFICATE AND SUPPLEMENTS

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(Note: This Certificate shall be supplemented by a Record of Construction and Equipment)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention") under the authority of the Government of:

.....

(full designation of the country)

by .....

(full designation of the competent person or organization authorized under the provisions of the Convention)

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

Type of ship:

Oil tanker*

Ship other than an oil tanker with cargo tanks coming under Regulation 2(2) of Annex I of the Convention.*

Ship other than any of the above*

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with Regulation 4 of Annex I of the Convention; and

2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until .....
subject to surveys in accordance with Regulation 4 of Annex I of the Convention.

Issued at .....
(Place of issue of Certificate)

..... 19..
(Date of issue)

.....
(Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the Authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey:

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Annual*/Intermediate* survey:

Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

* Delete as appropriate.

Annual*/Intermediate* survey: Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Annual survey: Signed .....
(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

* Delete as appropriate.

FORM A

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

in respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention")

Notes:

1. This form is to be used for the third type of ships as categorized in the IOPP Certificate, i.e."ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under Regulation 2(2) of Annex I of the Convention, Form B shall be used.

2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.

4. Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (—) for the answers "no" and "not applicable" as appropriate.

5. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 PARTICULARS OF SHIP

1.1 Name of ship.....

1.2 Distinctive number or letters .....

1.3 Port of registry .....

1.4 Gross tonnage.....

1.5 Date of build:

1.5.1 Date of building contract .....

1.5.2 Date on which keel was laid or ship was at a similar stage of construction .....

1.5.3 Date of delivery.....

1.6 Major conversion (if applicable):

1.6.1 Date of conversion contract .....

1.6.2 Date on which conversion was commenced.....

1.6.3 Date of completion of conversion .....

1.7 Status of ship:

1.7.1 New ship in accordance with Regulation 1(6) ☐

1.7.2 Existing ship in accordance with Regulation 1(7) ☐

1.7.3 The ship has been accepted by the Administration as an "existing ship" under Regulation 1(7) due to unforeseen delay in delivery ☐

2 EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS
(Regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.1.2 The ship does not under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of separating/filtering equipment fitted:

2.2.1 Equipment capable of producing effluent with oil content less than 100 ppm ☐

2.2.2 Equipment capable of producing effluent with oil content not exceeding 15 ppm ☐

2.3 Type of control system:

2.3.1 Discharge monitoring and control system (Regulation 16(5))

.1 with automatic stopping device ☐

.2 with manual stopping device ☐

2.3.2 15 ppm alarm (Regulation 16(7)) [ ]

2.3.3 Automatic stopping device for discharges in special areas (Regulation 10(3)(b)(vi)) [ ]

2.3.4 Oil content meter (resolution A.444(XI))

.1 with recording device ☐

.2 without recording device ☐

2.4 Approval standards:

2.4.1 The separating/filtering equipment:

.1 has been approved in accordance with resolution A.393(X) ☐

.2 has been approved in accordance with resolution A.233(VII) ☐

.3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐

.4 has not been approved ☐

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is ..... m^3/h

2.6 Application:

2.6.1 The ship is not required to be fitted with the above equipment until ..... 19 . .* in accordance with Regulation 16(4) ☐

3 TANKS FOR OIL RESIDUES (SLUDGE)
(Regulation 17)

3.1 The ship is provided with oil residue (sludge) tanks with the total capacity of ..... m^3 ☐

3.2 Means for the disposal of oil residue in addition to the provision of sludge tanks.....
..... ☐

4 STANDARD DISCHARGE CONNECTION
(Regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with Regulation 19 ☐

5 EXEMPTION

5.1 Exemptions have been granted by the Administration from the requirements of Chapter II of Annex 1 of the Convention in accordance with Regulation 2(4)(a) on those items listed under paragraphs(s) .....
.....
of this Record.

---

* Insert the date three years after the date of entry into force of the Convention.

6 EQUIVALENTS (Regulation 3)

6.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s). . . . . .
. . . . . .
. . . . . .of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at. . . . . .
(Place of issue of the Record)

. . . . . 19 . . . . . .
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing Authority, as appropriate)

FORM B

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

in respect of the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention")

Notes:

1. This form is to be used for the first two types of ships as categorized in the IOPP Certificate, i.e. oil tankers and ships other than oil tankers with cargo tanks coming under Regulation 2(2) of Annex I of the Convention. For the third type of ships as categorized in the IOPP Certificate, Form A shall be used.

2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.

4. Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (—) for the answers "no" and "not applicable" as appropriate.

5. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 PARTICULARS OF SHIP

1.1 Name of ship. . . . . .

1.2 Distinctive number or letters . . . . . .

1.3 Port of registry . . . . . .

1.4 Gross tonnage. . . . . .

1.5 Carrying capacity of ship. . . . . (m^3)

1.6 Deadweight of ship. . . . . (metric tons) (Regulation 1(22))

1.7 Length of ship. . . . . (m)(Regulation 1(18))

1.8 Date of build:

1.8.1 Date of building contract . . . . . .

1.8.2 Date on which keel was laid or ship was at a similar stage of construction . . . . . .

1.8.3 Date of delivery. . . . . .

1.9 Major conversion (if applicable):

1.9.1 Date of conversion contract . . . . . .

1.9.2 Date on which conversion was commenced. . . . . .

1.9.3 Date of completion of conversion . . . . . .

1.10 Status of ship:

1.10.1 New ship in accordance with Regulation 1(6) ☐

1.10.2 Existing ship in accordance with Regulation 1(7) ☐

1.10.3 New oil tanker in accordance with Regulation 1(26) ☐

1.10.4 Existing oil tanker in accordance with Regulation 1(27) ☐

1.10.5 The ship has been accepted by the Administration as an "existing ship" under Regulation 1(7) due to unforeseen delay in delivery ☐

1.10.6 The ship has been accepted by the Administration as an "existing oil tanker" under Regulation 1(27) due to unforeseen delay in delivery ☐

1.10.7 The ship is not required to comply with the provisions of Regulation 24 due to the unforeseen delay in delivery ☐

1.11 Type of ship:

1.11.1 Crude oil tanker ☐

1.11.2 Product carrier ☐

1.11.3 Crude oil/product carrier ☐

1.11.4 Combination carrier ☐

1.11.5 Ship, other than an oil tanker, with cargo tanks coming under Regulation 2(2) of Annex I of the Convention ☐

1.11.6 Oil tanker dedicated to the carriage of Products referred to in Regulation 15(7) ☐

1.11.7 The ship, being designated as a "crude oil tanker" operating with COW, is also designated as a "product carrier" operating with CBT, for which a separate IOPP Certificate has also been issued ☐

1.11.8 The ship, being designated as a "product carrier" operating with CBT, is also designated as a "crude oil tanker" operating with COW, for which a separate IOPP Certificate has also been issued ☐

1.11.9 Chemical tanker carrying oil ☐

2 EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.1.2 The ship does not under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of separating/filtering equipment fitted:

2.2.1 Equipment capable of producing effluent with oil content less than 100 ppm ☐

2.2.2 Equipment capable of producing effluent with oil content not exceeding 15 ppm ☐

2.3 Type of control system

2.3.1 Discharge monitoring and control system (Regulation 16(5))

.1 with automatic stopping device ☐

.2 with manual stopping device ☐

2.3.2 15 ppm alarm (Regulation 16(7)) ☐

2.3.3 Automatic stopping device for discharges in special areas (Regulation 10(3)(b)(vi)) ☐

2.3.4 Oil content meter (resolution A.444(XI))

.1 with recording device ☐

.2 without recording device ☐

2.4 Approval standards:

2.4.1 The separating/filtering system:

.1 has been approved in accordance with resolution A.393(X) ☐

.2 has been approved in accordance with resolution A.233(VII) ☐

.3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) [ ]

.4 has not been approved [ ]

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) [ ]

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) [ ]

2.5 Maximum throughput of the system is..... m^3/h

2.6 Application:

2.6.1 The ship is not required to be fitted with the above equipment until .....19 ..* in accordance with Regulation 16(4) [ ]

3 TANKS FOR OIL RESIDUES (SLUDGE) (Regulation 17)

3.1 The ship is provided with oil residue (sludge) tanks with the total capacity of ..... m^3 [ ]

3.2 Means for the disposal of oil residue in addition to the provision of sludge tanks ..... [ ]

4 STANDARD DISCHARGE CONNECTION (Regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with Regulation 19 [ ]

5 CONSTRUCTION (Regulations 13, 24 and 25)

5.1 In accordance with the requirements of Regulation 13, the ship is

5.1.1 Required to be provided with SBT, PL and COW [ ]

5.1.2 Required to be provided with SBT and PL [ ]

5.1.3 Required to be provided with SBT [ ]

5.1.4 Required to be provided with SBT, CBT or COW [ ]

5.1.5 Required to be provided with SBT or CBT [ ]

5.1.6 Not required to comply with the requirements of Regulation 13 [ ]

5.2 Segregated ballast tanks (SBT)

5.2.1 The ship is provided with SBT in compliance with Regulation 13 [ ]

5.2.2 The ship is provided with SBT which are arranged in protective locations (PL) in compliance with Regulation 13E [ ]

* Insert the date three years after the date of entry into force of the Convention.

5.2.3 SBT are distributed as follows:

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total	

5.3 Dedicated clean ballast tanks (CBT)

5.3.1 The ship is provided with CBT in compliance with Regulation 13A, and may operate:

.1 as a product carries ☐

.2 as a crude oil tanker until ..... 19. .* ☐

5.3.2 CBT are distributed as follows:

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total	

5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated..... ☐

5.3.4 The ship has common piping and pumping arrangements for ballasting the CBT and handling cargo oil ☐

5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT ☐

5.4 Crude oil washing (COW)

5.4.1 The ship is equipped with a COW system in compliance with Regulation 13B ☐

5.4.2 The ship is equipped with a COW system in compliance with Regulation 13B except that the effectiveness of the system has not been confirmed in accordance with Regulation 13(6) and paragraph 4.2.10 of the Revised COW Specifications (resolution A.446(XI)) ☐

5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated..... ☐

5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of Revised COW Specifications (resolution A.446(XI)) ☐

* Insert the date two years or four years after the date of entry into force of the Convention as appropriate.

5.5 Exemption from Regulation 13:

5.5.1 The ship is solely engaged in trade between
. . . . . .
in accordance with Regulation 13C and is therefore exempted from the requirements of Regulation 13 ☐

5.5.2 The ship is operating with special ballast arrangements in accordance with Regulation 13D and is therefore exempted from the requirements of Regulation 13 ☐

5.6 Limitation of size and arrangements of cargo tanks (Regulation 24)

5.6.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 24 ☐

5.6.2 The ship is required to be constructed according to, and complies with, the requirements of Regulation 24(4) (see Regulation 2(2)) ☐

5.7 Subdivision and stability (Regulation 25)

5.7.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 25 ☐

5.7.2 Information and data required under Regulation 25(5) in an approved form have been supplied to the ship ☐

6 RETENTION OF OIL ON BOARD (Regulation 15)

6.1 Oil discharge monitoring and control system

6.1.1 The ship comes under category . . . . . oil tanker as defined in resolution A.496(XII) ☐

6.1.2 The system comprises:

.1 control unit ☐

.2 computing unit ☐

.3 calculating unit ☐

6.1.3 The system is:

.1 fitted with a starting interlock ☐

.2 fitted with automatic stopping device ☐

6.1.4 The oil content meter is approved under the terms of resolution A.393(X) suitable for:

.1 crude oil ☐

.2 black products ☐

.3 white products ☐

6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system ☐

6.1.6 The ship is not required to be fitted with an oil discharge monitoring and control system, until . . . . . 19. .* in accordance with Regulation 15(1) ☐

6.2 Slop tanks

6.2.1 The ship is provided with. . . . . .dedicated slop tank(s) with the total capacity of . . . . . m^3 which is. . . . . % of the oil carrying capacity, in in accordance with: ☐

.1 Regulation 15(2)(c) ☐

.2 Regulation 15(2)(c)(i) ☐

.3 Regulation 15(2)(c)(ii) ☐

.4 Regulation 15(2)(c)(iii) ☐

6.2.2 Cargo tanks have been designated as slop tanks ☐

6.2.3 The ship is not required to be provided with slop tank arrangements until. . . . . 19. .* in accordance with Regulation 15(1) ☐

6.3 Oil/water interface detectors

6.3.1 The ship is provided with oil/water interface detectors approved under the terms of resolution MEPC.5(XIII) ☐

6.4 Exemptions from Regulation 15

6.4.1 The ship is exempted from the requirements of Regulation 15(1), (2) and (3) in accordance with Regulation 15(7) ☐

6.4.2 The ship is exempted from the requirements of Regulation 15(1) (2) and (3) in accordance with Regulation 2(2) ☐

7 PUMPING, PIPING AND DISCHARGE ARRANGEMENTS (Regulation 18)

7.1 The overboard discharge outlets for segregated ballast are located:

7.1.1 above the waterline ☐

7.1.2 below the waterline ☐

7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located:**

7.2.1 above the waterline ☐

7.2.2 below the waterline ☐

7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast are located:**

7.3.1 above the waterline ☐

* Insert the date three years after the date of entry into force of the Convention.

** Only those outlets which can be monitored are to be indicated.

7.3.2 below the waterline in conjunction with the part flow arrangements in compliance with Regulation 18(6)(e) ☐

7.3.3 below the waterline ☐

7.4 Discharge of oil from cargo pumps and oil lines (Regulation 18(4) and (5))

7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge

.1 drainings capable of being discharged to a cargo tank or slop tank ☐

.2 for discharge ashore a special small diameter line is provided ☐

8 EQUIVALENT ARRANGEMENTS FOR CHEMICAL TANKERS CARRYING OIL

8.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment in lieu of slop tanks (paragraph 6.2 above) and oil/water interface detectors (paragraph 6.3 above):

8.1.1 oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity of..... m^3/h ☐

8.1.2 a holding tank with the capacity of..... m^3 ☐

8.1.3 a tank for collecting tank washings which is:

.1 a dedicated tank ☐

.2 a cargo tank designated as a collecting tank ☐

8.1.4 a permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment ☐

8.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X) and is suitable for the full range of Annex I products ☐

8.3 The ship holds a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk ☐

9 EXEMPTION

9.1 Exemptions have been granted by the Administration from the requirements of Chapters II and III of Annex I of the Convention in accordance with Regulation 2(4)(a) on those items listed under paragraph(s)..... of this Record.

10 EQUIVALENTS (Regulation 3)

10.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraphs(s) .....
.....
.....of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.....
(Place of issue of the Record)

..... 19..

.....
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing Authority, as appropriate)"

Appendix III

The existing forms of Oil Record Books and Supplements are replaced by the following forms:

"FORMS OF OIL RECORD BOOKS

OIL RECORD BOOK

Part I Machinery space operations

(All ships)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from: to:

Note: Oil Record Book Part I shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo/ballast operations.

INTRODUCTION

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with Regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

LIST OF ITEMS TO BE RECORDED

(A) *BALLASTING OR CLEANING OF OIL FUEL TANKS*

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Position of ship at start of cleaning.
4. Position of ship at start of ballasting.

(B) *DISCHARGE OF DIRTY BALLAST OR CLEANING WATER FROM OIL FUEL TANKS REFERRED TO UNDER SECTION (A)*

5. Identity of tank(s).

6. Position of ship at start of discharge.

7. Position of ship on completion of discharge.

8. Ship's speed(s) during discharge.

9. Method of discharge:

.1 Through 100 ppm equipment;

.2 Through 15 ppm equipment;

.3 To reception facilities.

10. Quantity discharged.

(C) *DISPOSAL OF OIL RESIDUES (SLUDGE)*

11. Quantity of residue retained on board for disposal.

12. Methods of disposal of residue:

.1 To reception facilities (identify port);

.2 Mixed with bunkers;

.3 Transferred to another (other) tank(s) (identify tank(s));

.4 Other method (state which).

(D) *NON-AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES*

13. Quantity discharged.

14. Time of discharge.

15. Method of discharge or disposal:

.1 Through 100 ppm equipment;

.2 Through 15 ppm equipment;

.3 To reception facilities (identify port);

.4 To slop or collecting tank (identify tank).

(E) *AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES*

16. Time when the system has been put into automatic mode of operation for discharge overboard.

17. Time when the system has been put into automatic mode of operation for transfer of bilge water to collecting (slop) tank (identify tank).

18. Time when the system has been put to manual operation.

19. Method of discharge overboard:

.1 Through 100 ppm equipment;

.2 Through 15 ppm equipment.

(F) *CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM*

20. Time of system failure.

21. Time when system has been made operational.

22. Reasons for failure.

(G) *ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL*

23. Time of occurrence.

24. Place or position of ship at time of occurrence.

25. Approximate quantity and type of oil.

26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) *ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS*

NAME OF SHIP: .....

DISTINCTIVE NUMBER OR LETTERS: .....

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE OPERATIONS (ALL SHIPS)*

Date	Code (letter)	Item (number	Record of operations/signature of officer in charge

Signature of Master .....

* Delete as appropriate.

OIL RECORD BOOK

Part II Cargo/ballast operation

(Oil tankers)

Name of ship:

Distinctive number or letters:

Gross tonnage:

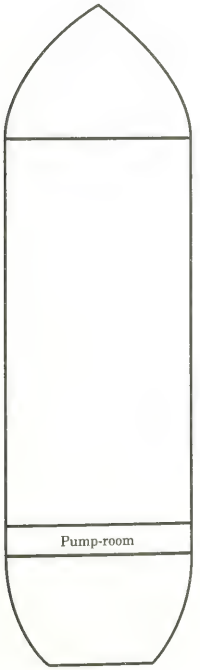
Period from: to:

Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo/ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

NAME OF SHIP: .....

DISTINCTIVE NUMBER OR LETTERS: .....

PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)



Identification of the tanks	Capacity
Depth of slop tank(s):	

(Give the capacity of each tank and the depth of slop tank(s)).

INTRODUCTION

The following pages of this section show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with Regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be countersigned by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with Regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent Port State Authority.*

LIST OF ITEMS TO BE RECORDED

(A) *LOADING OF OIL CARGO*

1. Place of loading.
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded.

(B) *INTERNAL TRANSFER OF OIL CARGO DURING VOYAGE*

4. Identity of tank(s):
   - .1 From:
   - .2 To:
5. Was (were) tank(s) in 4(1) emptied?

(C) *UNLOADING OF OIL CARGO*

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) tank(s) emptied?

(D) *CRUDE OIL WASHING (COW TANKERS ONLY)*
(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed.[1]
11. Number of machines in use.

---

* This sentence should only be inserted for the Oil Record Book of a tanker engaged in a specific trade.

[1] When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.

12. Time of start of washing.

13. Washing pattern employed.[2]

14. Washing line pressure.

15. Time completed or stopped washing.

16. State method of establishing that tank(s) was (were) dry.

17. Remarks.[3]

(E) *BALLASTING OF CARGO TANKS*

18. Identity of tank(s) ballasted.

19. Position of ship at start of ballasting.

(F) *BALLASTING OF DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)*

20. Identity of tank(s) ballasted.

21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).

22. Position of ship when pump(s) and lines were flushed to slop tank.

23. Quantity of oily water resulting from line flushing transferred to slop tanks (identify slop tank(s)).

24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).

25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.

26. Quantity of clean ballast taken on board.

(G) *CLEANING OF CARGO TANKS*

27. Identity of tank(s) cleaned.

28. Port or ship's position.

29. Duration of cleaning.

30. Method of cleaning.[4]

31. Tank washings transferred to:

.1 Reception facilities:

.2 Slop tank(s) or cargo tank(s) designated as slop tank(s) (identify tank(s)).

---

[2] In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

[3] If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

[4] Hand hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

(H) *DISCHARGE OF DIRTY BALLAST*

32. Identity of tank(s).

33. Position of ship at start of discharge into the sea.

34. Position of ship on completion of discharge into the sea.

35. Quantity discharged into the sea.

36. Ship's speed(s) during discharge.

37. Was the discharge monitoring and control system in operation during the discharge?

38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s)).

40. Discharged to shore reception facilities (identify port if applicable).

(I) *DISCHARGE OF WATER FROM SLOP TANKS INTO THE SEA*

41. Identity of slop tanks.

42. Time of settling from last entry of residues, or

43. Time of settling from last discharge.

44. Time and position of ship at start of discharge.

45. Ullage of total contents at start of discharge.

46. Ullage of oil/water interface at start of discharge.

47. Bulk quantity discharged and rate of discharge.

48. Final quantity discharged and rate of discharge.

49. Time and position of ship on completion of discharge.

50. Was the discharge monitoring and control system in operation during the discharge?

51. Ullage of oil/water interface on completion of discharge.

52. Ship's speed(s) during discharge.

53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) *DISPOSAL OF RESIDUES AND OILY MIXTURES NOT OTHERWISE DEALT WITH*

55. Identity of tank(s).

56. Quantity disposed of from each tank.

57. Method of disposal:

.1 To reception facilities (identify port);

.2 Mixed with cargo;

.3 Transferred to another tank(s) (identify tank(s));

.4 Other method (state which).

(K) *DISCHARGE OF CLEAN BALLAST CONTAINED IN CARGO TANKS*

58. Position of ship at start of discharge of clean ballast.

59. Identity of tank(s) discharged.

60. Was (were) the tank(s) empty on completion?

61. Position of ship on completion if different from 58.

62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) *DISCHARGE OF BALLAST FROM DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)*

63. Identity of tank(s) discharged.

64. Time and position of ship at start of discharge of clean ballast into the sea.

65. Time and position of ship on completion of discharge into the sea.

66. Quantity discharged:

.1 Into the sea; or

.2 To reception facility (identify port).

67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?

68. Was the discharge monitored by an oil content meter?

69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) *CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM*

70. Time of system failure.

71. Time when system has been made operational.

72. Reasons for failure.

(N) *ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL*

73. Time of occurrence.

74. Port or ship's position at time of occurrence.

75. Approximate quantity and type of oil.

76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) *ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS*

TANKERS ENGAGED IN SPECIFIC TRADES

(P) *LOADING OF BALLAST WATER*

77. Identity of tank(s) ballasted.

78. Position of ship when ballasted.

79. Total quantity of ballast loaded in cubic metres.

80. Remarks.

(Q) *RE-ALLOCATION OF BALLAST WATER WITHIN THE SHIP*

81. Reasons for re-allocation.

(R) *BALLAST WATER DISCHARGE TO RECEPTION FACILITY*

82. Port(s) where ballast water was discharged.

83. Name or designation of reception facility.

84. Total quantity of ballast water discharged in cubic metres.

85. Date, signature and stamp of port authority official.

NAME OF SHIP: .....

DISTINCTIVE NUMBER OR LETTERS: .....

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE OPERATIONS (ALL SHIPS)*

Date	Code (letter)	Item (number	Record of operations/signature of officer in charge

Signature of Master .....

* Delete as appropriate."

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1985

Done at London 5 December 1985

Entered into force 6 April 1987

Primary source citation: Copy of text provided by the International Maritime Organization

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

PROTOCOL I

PROVISIONS CONCERNING REPORTS ON INCIDENTS INVOLVING HARMFUL SUBSTANCES
(in accordance with article 8 of the Convention)

The existing text of Protocol I is replaced by the following:

"Article I

Duty to report

(1) The master or other person having charge of any ship involved in an incident referred to in article II of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2) In the event of the ship referred to in paragraph (1) of this article being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the master under the provisions of this Protocol.

Article II

When to make reports

(1) The report shall be made when an incident involves:

(a) a discharge or probable discharge of oil, or noxious liquid substances carried in bulk, resulting from damage to the ship or its equipment, or for the purpose of securing the safety of a ship or saving life at sea; or

(b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or

(c) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.

(2) For the purposes of this Protocol:

(a) "Oil" referred top in subparagraph 1(a) of this article means oil as defined in regulation 1(1) of Annex I on the Convention.

(b) "Noxious liquid substances" referred to in subparagraph 1(a) of this article means noxious liquid substances as defined in regulation 1(6) of Annex II of the Convention.

(c) "Harmful substances" in packaged form referred to in subparagraph 1(b) of this article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).

Article III

Contents of report

Reports shall in any case include:

(a) identity of ships involved;

(b) time, type and location of incident;

(c) quantity and type of harmful substance involved;

(d) assistance and salvage measures.

Article IV

Supplementary report

Any person who is obliged under the provisions of this Protocol to send a report shall, when possible:

(a) supplement the initial report, as necessary, and provide information concerning further developments; and

(b) comply as fully as possible with requests from affected States for additional information.

Article V

Reporting procedures

(1) Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.

(2) In order to implement the provisions of this Protocol, Parties to the present Convention shall issue, or cause to be issued, regulations or instructions on the procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization."

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1985

Done at London 5 December 1985

Entered into force 6 April 1987

Primary source citation: Copy of text provided by the International Maritime Organization

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX II

REGULATIONS FOR THE CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

Regulation 1

Definitions

The following new paragraphs (10) to (14) are added to the existing text:

"(10) 'International Bulk Chemical Code' means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC 19(22), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of Article 16 of the present Convention concerning amendment procedures applicable to an Appendix to an Annex.

(11) 'Bulk Chemical Code' means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC 20(22), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of Article 16 of the present Convention concerning amendment procedures applicable to an Appendix to an Annex.

(12) 'Ship constructed' means a ship the keel of which is laid or which is at a similar stage of construction. A ship converted to a chemical tanker, irrespective of the date of construction, shall be treated as a chemical tanker constructed on the date on which such conversion commenced. This conversion provision shall not apply to the modification of a ship which complies with all of the following conditions:

(a) the ship is constructed before 1 July 1986; and

(b) the ship is certified under the Bulk Chemical Code to carry only those products identified by the Code as substances with pollution hazards only.

(13) 'Similar stage of construction' means the stage at which:

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

Regulation 2

Application

The following new paragraphs (4), (5), and (6) are added to the existing text:

"(4) For ships constructed before 1 July 1986, the provisions of Regulation 5 of this Annex in respect of the requirement to discharge below the waterline and maximum concentration in the wake astern of the ship shall apply as from 1 January 1988.

(5) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to the substitution of operational methods to effect the control of discharge of noxious liquid substances as equivalent to those design and construction features which are prescribed by Regulations in this Annex.

(6) The Administration which allows a fitting, material, appliance or apparatus as alternative to that required by this Annex, under paragraph (5) of this Regulation, shall communicate to the Organization for circulation to the Parties to the Convention, particulars thereof, for their information and appropriate action, if any."

Regulation 3

Categorization and Listing of Noxious Liquid Substances

In paragraph (1) of the existing text, the phrase "except Regulation 13", is deleted.

Regulation 5

Discharge of Noxious Liquid Substances

In paragraph (1) the existing text of the last sentence before sub-paragraph (a) is replaced by: "Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:"

In paragraph (5) the existing text of the third sentence is replaced by: "Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraph (1), (2), (3) or (4) of this Regulation."

In paragraph (7) the existing text of the last sentence before sub-paragraph (a) is replaced by: "Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:"

In paragraph (8) the existing text of paragraph (a) is replaced by:

"(a) the tank has been prewashed in accordance with the procedure approved by the Administration and based on standards developed by the Organization and the resulting tank washings have been discharged to a reception facility."

In paragraph (10) the third sentence of the existing text is replaced by: "Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraph (7), (8) or (9) of this Regulation."

The following new Regulation 5A is added to the existing text:

"Regulation 5A

Pumping, Piping and Unloading Arrangements

(1) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 0.1 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(2) (a) Subject to the provisions of sub-paragraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(b) Until 2 October 1994 ships referred to in sub-paragraph (a) of this paragraph if not in compliance with the requirements of that sub-paragraph shall, as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 1 cubic metre or 1/3000 of the tank capacity in cubic metres, whichever is greater, in that tank and the associated piping.

(3) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(4) (a) Subject to the provisions of sub-paragraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.9 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(b) Until 2 October 1994 the ships referred to in sub-paragraph (a) of this paragraph if not in compliance with the requirements of that sub-paragraph shall, as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 3 cubic metres or 1/1000 of the tank capacity in cubic metres, whichever is greater, in that tank and the associated piping.

(5) Pumping conditions referred to in paragraphs (1), (2), (3) and (4) of this Regulation shall be approved by the Administration and based on standards developed by the Organization. Pumping efficiency tests referred to in paragraphs (1), (2), (3) and (4) of this Regulation shall use water as the test medium and shall be approved by the Administration and based on standards developed by the Organization. The residues on cargo tank surfaces, referred to in paragraphs (2)(b) and (4)(b) of Regulation shall be determined based on standards developed by the Organization.

(6) (a) Subject to the provision of sub-paragraph (b) of this paragraph, the provisions of paragraphs (2) and (4) of this Regulation need not apply to a ship constructed before 1 July 1986 which is engaged in restricted voyages as determined by the Administration between:

(i) ports or terminals within a State Party to the present Convention; or

(ii) ports or terminals of States Parties to the present Convention.

(b) The provisions of sub-paragraph (a) of this paragraph shall only apply to a ship constructed before 1 July 1986 if:

(i) each time a tank containing Category B or C substances or mixtures is to be washed or ballasted, the tank is washed in accordance with a prewash procedure approved by the Administration and based on Standards developed by the Organization and the tank washings are discharged to a reception facility;

(ii) subsequent washings or ballast water are discharged to a reception facility or at sea in accordance with other provisions of this Annex;

(iii) the adequacy of the reception facilities at the ports or terminals referred to above, for the purpose of this paragraph, is approved by the Governments of the States Parties to the present Convention within which such ports or terminals are situated;

(iv) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any; and

(v) the Certificate required under this Annex is endorsed to the effect that the ship is solely engaged in such restricted voyages.

(7) For a ship whose constructional and operational features are such that ballasting of cargo tanks is not required and cargo tank washing is only required for repair or dry-docking, the Administration may allow exemption from the provisions of paragraphs (1), (2), (3) and (4) of this Regulation, provided that all of the following conditions are complied with:

(a) the design, construction and equipment of the ship are approved by the Administration, having regard to the service for which it is intended;

(b) any effluent from tank washings which may be carried out before a repair or drydocking is discharged to a reception facility, the adequacy of which is ascertained by the Administration;

(c) the Certificate required under this Annex indicates:

(i) that each cargo tank is certified for the carriage of only one named substance; and

(ii) the particulars of the exemption;

(d) the ship carries a suitable operational manual approved by the Administration; and

(e) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the

Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any."

Regulation 7

The existing title of this Regulation is replaced by "Reception Facilities and Cargo Unloading Terminal Arrangements"

The following new paragraph (3) is added to the existing text:

"(3) The Government of each Party to the Convention shall undertake to ensure that cargo unloading terminals shall provide arrangements to facilitate stripping of cargo tanks of ships unloading noxious liquid substances at these terminals. Cargo hoses and piping systems of the terminal, containing noxious liquid substances received from ships unloading these substances at the terminal, shall not be drained back to the ship."

The existing text of paragraph (3) is renumbered as (4) and replaced by the following:

"(4) Each Party shall notify the Organization, for transmission to the Parties concerned, of any case where facilities required under paragraph (1) or arrangements required under paragraph (3) of this Regulation are alleged to be inadequate."

The existing text of Regulation 8 is replaced by the following:

"Regulation 8

Measures of Control

(1) (a) The Government of each Party to the Convention shall appoint or authorize surveyors for the purpose of implementing this Regulation. The surveyors shall execute control in accordance with control procedures developed by the Organization.

(b) The master of a ship carrying noxious liquid substances in bulk shall ensure that the provisions of Regulation 5 and this Regulation have been complied with and that the Cargo Record Book is completed in accordance with Regulation 9 of this Annex whenever operations as referred to in that Regulation take place.

(c) An exemption referred to in paragraph (2)(b), (5)(b), (6)(c) or (7)(c) of this Regulation may only be granted by the Government of the receiving Party to a ship engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention. When such an exemption has been granted, the appropriate entry made in the Cargo Record Book shall be endorsed by the surveyor referred to in sub-paragraph (a) of this paragraph.

Category A substances in all areas

(2) With respect to Category A substances the following provisions shall apply in all areas:

(a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) of this paragraph, be washed in accordance with the requirements of paragraph (3) or (4) of this Regulation before the ship leaves the port of unloading.

(b) At the request of the ship's master, the Government of the receiving Party may exempt the ship from the requirements referred to in sub-paragraph (a) of this paragraph, where it is satisfied that:

(i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or

(ii) the tank unloaded is neither washed nor ballasted at sea and the provisions of paragraph (3) or (4) of this Regulation are complied with at another port provided that it has been confirmed in writing that a reception facility at that port is available and is adequate for such a purpose; or

(iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

(3) If the tank is to be washed in accordance with sub-paragraph (2)(a) of this Regulation, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix II to this Annex. When the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and endorsed by the surveyor referred to under paragraph (1)(a) of this Regulation.

(4) Where the Government of the receiving party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to paragraph (3) of this Regulation provided that:

(a) The tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization; and

(b) The surveyor referred to under paragraph (1)(a) certifies in the Cargo Record Book that:

(i) the tank, its pump and piping systems have been emptied; and

(ii) the prewash has been carried out in accordance with the prewash procedure approved by the Administration for that tank and that substance; and

(iii) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty.

Category B and C substances outside Special Areas

(5) With respect to Category B and C substances, the following provisions shall apply outside Special Areas:

(a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:

(i) the substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under Regulation 5(2) or (3) of this Annex in case of Category B or C substances respectively; or

(ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A(5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

(b) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:

(i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed nor ballasted prior to loading; or

(ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or

(iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category B substances within Special Areas

(6) With respect to Category B substances, the following provisions shall apply within Special Areas:

(a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) and (c), be prewashed before the ship leaves the port of unloading. The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

(b) The requirements of sub-paragraph (a) of this paragraph do not apply when all the following conditions are satisfied:

(i) the Category B substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside Special Areas under Regulation 5(2) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the Special Area in compliance with Regulation 5(2) of this Annex; and

(ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A(5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

(c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:

(i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or

(ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or

(iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category C substances within Special Areas

(7) With respect to Category C substances, the following provisions shall apply within Special Areas:

(a) A tank which has been unloaded shall, subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:

(i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under Regulation 5(9) of this Annex; or

(ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A(5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

(b) The requirements of sub-paragraph (a) of this paragraph do not apply when all the following conditions are satisfied:

(i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside Special Areas under Regulation 5(3) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the Special Area in compliance with Regulation 5(3) of this Annex; and

(ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A(5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

(c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:

(i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or

(ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or

(iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category D substances in all areas

(8) With respect to Category D substances, a tank which has been unloaded shall either be washed and the resulting tank washings shall be discharged to a reception facility, or the remaining residues in the tank shall be diluted and discharged into the sea in accordance with Regulation 5(4) of this Annex.

Discharge from a slop tank

(9) Any residues retained on board in a slop tank, including those from cargo pump room bilges, which contain a Category A substance, or within a special area either a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1), (7) or (8) of this Annex, whichever is applicable."

Regulation 9

Cargo Record Book

The existing text of sub-paragraph (2)(i) to (ix) is replaced by the following:

"(i) loading of cargo;

(ii) internal transfer of cargo;

(iii) unloading of cargo;

(iv) cleaning of cargo tanks;

(v) ballasting of cargo tanks;

(vi) discharge of ballast from cargo tanks;

(vii) disposal of residues to reception facilities;

(viii) discharge into the sea or removal by ventilation of residues in accordance with Regulation 5 of this Annex."

In the existing text of paragraph (3), reference to "Article 7" is replaced by "Article 8".

In the second sentence of the existing text of paragraph (5), the words "when the ship is manned" are deleted.

In the third sentence of the existing text of paragraph (5), "(1973)" is deleted and the words "or a Certificate referred to in Regulation 12A of this Annex" are inserted.

In the second sentence of the existing text of paragraph (6), the word "two" is replaced by the word "three".

The existing texts of Regulations 10 to 12 are replaced by the following:

"Regulation 10

Surveys

(1) Ships carrying noxious liquid substances in bulk shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under Regulation 11 of this Annex is issued for the first time, and which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, and which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.

(c) A minimum of one intermediate survey during the period of validity of the Certificate and which shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the Certificate's period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under Regulation 11 of this Annex.

(d) An annual survey within 3 months before or after the day and the month of the date of issue of the Certificate and which shall include a general examination to ensure that the structure, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under Regulation 11 of this Annex.

(2) (a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in sub-paragraph (a) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship; and

(ii) carry out surveys and inspections if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.

(c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate, or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor, or organization any necessary assistance to carry out their obligations under this Regulation. When applicable, the Government of the port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(d) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(3) (a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(b) After any survey of the ship under paragraph (1) of this Regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

(c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this Regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulation 11

Issue of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued, after survey in accordance with the provisions of Regulation 10 of this Annex, to any ship carrying noxious liquid substances in bulk and which is engaged in voyages to ports or terminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assures full responsibility for the Certificate.

(3) (a) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed, and if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk to the ship in accordance with this Annex.

(b) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(c) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under paragraph (1) of this Regulation.

(d) No International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

(4) The International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be drawn up in an official language of the issuing country in the form corresponding to the model given in Appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 12

Duration of Certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue.

(2) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate or annual surveys as specified by the Administration under Regulation 10(1)(c) or (d) of this Annex are not carried out.

(3) A Certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new Certificate shall be issued only when the Government issuing the new Certificate is fully satisfied that the

ship is in full compliance with the requirements of Regulation 10(3)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report."

The following new Regulation 12A is added to the existing text:

"Regulation 12A

Survey and Certification of Chemical Tankers

Notwithstanding the provisions of Regulations 10, 11 and 12 of this Annex, chemical tankers which have been surveyed and certified by States Parties to the present Convention in accordance with the provisions of the International Bulk Chemical Code or the Bulk Chemical Code, as applicable, shall be deemed to have complied with the provisions of the said Regulations, and the Certificate issued under that Code shall have the same force and receive the same recognition as the Certificate issued under Regulation 11 of this Annex."

Regulation 13

Requirements for Minimizing Accidental Pollution

The existing text of Regulation 13 is replaced by the following:

"(1) The design, construction, equipment and operation of ships carrying noxious liquid substances of Category A, B or C in bulk, shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) Chemical tankers constructed on or after 1 July 1986 shall comply with the requirements of the International Bulk Chemical Code.

(3) Chemical tankers constructed before 1 July 1986 shall comply with the following requirements:

(a) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.2 of that Code:

(i) ships for which the building contract is placed on or after 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention; and

(ii) ships constructed on or after 1 July 1983 which are engaged solely on voyages between ports or terminals within the State the flag of which the ship is entitled to fly;

(b) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.3 of that Code:

(i) ships for which the building contract is placed before 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention; and

(ii) ships constructed before 1 July 1983 which are engaged on voyages between ports or terminals within the State the flag of which the ship is entitled to fly, except that for ships of less than 1,600 tons gross tonnage compliance with the Code in respect of construction and equipment shall take effect not later than 1 July 1994.

(4) In respect of ships other than chemical tankers carrying noxious liquid substances of Category A, B or C in bulk, the Administration shall establish appropriate measures based on the Guidelines developed by the Organization in order to ensure that the provisions of paragraph (1) of this Regulation are complied with."

The following new Regulation 14 is added to the existing text:

"Regulation 14

Carriage and Discharge of Oil-like Substances

Notwithstanding the provisions of other Regulations of this Annex, noxious liquid substances designated in Appendix II of this Annex as falling under Category C or D and identified by the Organization as oil-like substances under the criteria developed by the Organization, may be carried on an oil tanker as defined in Annex I of the Convention and discharged in accordance with the provisions of Annex I of the present Convention, provided that all of the following conditions are complied with:

(a) the ship complies with the provisions of Annex I of the present Convention as applicable to product carriers as defined in that Annex;

(b) the ship carries an International Oil Pollution Prevention Certificate and its Supplement B and the Certificate is endorsed to indicate that the ship may carry oil-like substances in conformity with this Regulation and the endorsement includes a list of oil-like substances the ship is allowed to carry;

(c) in the case of Category C substances the ship complies with the ship type 3 damage stability requirements of:

  (i) the International Bulk Chemical Code in the case of a ship constructed on or after 1 July 1986; or

  (ii) the Bulk Chemical Code, as applicable under Regulation 13 of this Annex, in the case of a ship constructed before 1 July 1986; and

(d) the oil content meter in the oil discharge monitoring and control system of the ship is approved by the Administration for use in monitoring the oil-like substances to be carried."

APPENDIX II

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Existing list is replaced by the following:

Substance	UN Number	Pollution Category for operational discharge (Regulation 3 of Annex II)	Residual concentration (per cent by weight) (Regulation 5(1) of Annex II)	(Regulation 5(7) of Annex II)
	I	II	III Outside special areas	IV Within special areas
Acetaldehyde	1089	C		
Acetic acid	2789* 2790*	C		
Acetic anhydride	1715	C		
Acetone cyanohydrin	1541	A	0.1	0.05
Acetophenone		D		
Acetyl chloride	1717	C		
Acrylamide solution (50% or less)	2074	D		
Acrylic acid	2218	D		
Acrylonitrile	1093	B		
Adiponitrile	2205	D		
Alcohols, C_4, C_5, C_6 mixtures		D		
Alcohols, C_5, C_6 as individual alcohols		D		
Alcohols, C_7, C_8, C_9 as individuals and mixtures		C		
Alcohols, C_{10}, C_{11}, C_{12} as individuals and mixtures		B		
Alcohol ethoxylate (higher secondary)		D		
Alcohol (C_{13}/C_{15}) poly(3-11)ethoxylates		B		
Alkyl acrylate vinyl pyridine copolymer in toluene		(C)		
Alkylamine mixtures		C		
Alkyl (C_9-C_{17}) benzene mixtures (straight or branched chain)		D		
Alkyl benzene sulphonate (branched chain)		B		

Pollution Category in brackets indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources. Until the hazard evaluation is completed the Pollution Category assigned shall be used.

* UN Number 2789 refers to more than 80% solution and 2790 between 10% and 80% solution

	I	II	III	IV
Alkyl benzene sulphonate (straight chain)		C		
Alkyl benzene sulphonic acid	2584 2586	C		
Allyl alcohol	1098	B		
Allyl chloride	1100	B		
2-(2-Aminoethoxy)ethanol	3055	D		
Aminoethylethanolamine		(D)		
N-Aminoethylpiperazine	2815	D		
Ammonia aqueous (28% or less)	2672*	C		
Ammonium nitrate solution (93% or less)	2426	D		
Ammonium sulphate solution		D		
Ammonium sulphide solution (45% or less)	2683	B		
Amyl acetate, commercial	1104	C		
n-Amyl acetate	1104	C		
sec-Amyl acetate	1104	C		
n-Amyl alcohol	1105	D		
sec-Amyl alcohol	1105	D		
Amyl alcohol, primary	1105	D		
Aniline	1547	C		
Benzaldehyde		C		
Benzene and mixtures having 10% benzene or more	1114**	C		
Benzene sulphonyl chloride	2225	D		
Benzyl acetate		C		
Benzyl alcohol		C		
Benzyl chloride	1738	B		
Butene oligomer		D		
n-Butyl acetate	1123	C		
sec-Butyl acetate	1123	D		
n-Butyl acrylate	2348	D		
Butylamine (all isomers)	1125 (normal) 1214 (iso)	C		
Butyl benzyl phthalate		A	0.1	0.05

* UN number refers to 10-35%

** UN number 1114 applies to Benzene

	I	II	III	IV
n-Butyl butyrate		(B)		
Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture		D		
Butylene glycol		D		
1,2-Butylene oxide	3022	C		
n-Butyl ether	1149	C		
Butyl lactate		D		
Butyl methacrylate		D		
n-Butyraldehyde	1129	B		
Butyric acid	2820	B		
gamma-Butyrolactone		D		
Calcium alkyl salicylate		D		
Calcium chloride solution		D		
Calcium hydroxide solution		D		
Calcium hypochlorite solution		B		
Calcium naphthenate in mineral oil		A	0.1	0.05
Camphor oil	1130	B		
Caprolactam		D		
Carbolic oil		A	0.1	0.05
Carbon disulphide	1131	A	0.01	0.005
Carbon tetrachloride	1846	B		
Cashew nut shell oil (untreated)		D		
Castor oil		D		
Chloroacetic acid	1750	C		
Chloroacetone	1695	C		
Chlorobenzene	1134	B		
Chloroform	1888	B		
1-Chloroheptane		A	0.1	0.05
Chlorohydrins, crude		(D)		
o-Chloronitrobenzene	1578	B		
2-Chloropropionic acid	2511	(C)		
3-Chloropropionic acid		(C)		
Chlorosulphonic acid	1754	C		
m-Chlorotoluene	2238	B		
o-Chlorotoluene	2238	A	0.1	0.05
p-Chlorotoluene	2238	B		

	I	II	III	IV
Chlorotoluene (mixed isomers)	2238	A	0.1	0.05
Choline chloride solution		D		
Citric acid		D		
Coal tar naphtha solvent		B		
Cobalt naphthenate in solvent naphtha		A	0.1	0.05
Coconut oil		D		
Coconut oil, fatty acid methyl ester		D		
Cod liver oil		D		
Corn oil		D		
Cotton seed oil		D		
Creosote (coal tar)		(C)		
Creosote (wood)		A	0.1	0.05
Cresol (mixed isomers)	2076	A	0.1	0.05
Cresyl diphenyl phosphate		A	0.1	0.05
Cresylic acid	2022	A	0.1	0.05
Crotonaldehyde	1143	B		
Cycloheptane	2241	D		
Cyclohexane	1145	C		
Cyclohexane/Cyclo-hexanol mixture		C		
Cyclohexanol		C		
Cyclohexanone	1915	D		
Cyclohexylamine	2357	C		
p-Cymene	2046	C		
Decahydronaphthalene	1147	(D)		
n-Decaldehyde		B		
Decane		(D)		
Decene		B		
Decyl acrylate		A	0.1	0.05
Decyl alcohol (all isomers)		B		
Diacetone alcohol	1148	D		
Dialkyl (C_7-C_9) phthalates		(D)		
Dialkyl (C_9-C_{13}) phthalates		D		
Dibenzyl ether		(C)		

	I	II	III	IV
Dibutylamine		C		
Dibutyl phthalate		A	0.1	0.05
m-Dichlorobenzene		B		
o-Dichlorobenzene	1591	B		
1,1-Dichloroethane	2362	B		
1,2-Dichloroethylene	1150	(D)		
Dichloroethyl ether	1916	B		
1,6-Dichlorohexane		B		
2,2-Dichloroisopropyl ether	2490	C		
Dichloromethane	1593	D		
2,4-Dichlorophenol	2021	A	0.1	0.05
2,4-Dichlorophenoxy-acetic acid		(A)	0.1	0.05
2,4-Dichlorophenoxy-acetic acid, diethanol-amine salt solution		(A)	0.1	0.05
2,4-Dichlorophenoxy-acetic acid, dimethyl-amine salt (70% or less) solution		(A)	0.1	0.05
2,4-Dichlorophenoxy-acetic acid, triiso-propanolamine salt solution		(A)	0.1	0.05
1,1-Dichloropropane		B		
1,2-Dichloropropane	1279	B		
1,3-Dichloropropane		B		
1,3-Dichloropropene	2047	B		
Dichloropropene/ Dichloropropane mixtures		B		
2,2-Dichloropropionic acid		D		
Dichloropropyl ether		(B)		
Diethylamine	1154	C		
Diethylaminoethanol	2686	C		
Diethylbenzene	2049	C		
Diethyl carbonate	2366	D		
Diethylene glycol dibutyl ether		D		
Diethylene glycol butyl ether acetate		(D)		

	I	II	III	IV
Diethylene glycol ethyl ether acetate		(D)		
Diethylene glycol methyl ether		C		
Diethylene glycol methyl ether acetate		(D)		
Diethylenetriamine	2079	(D)		
Di(2-ethylhexyl) adipate		D		
Di(2-ethylhexyl) phosphoric acid	1902	C		
Di(2-ethylhexyl) phthalate		D		
Diethyl malonate		C		
Diethyl phthalate		C		
Diethyl sulphate	1594	(B)		
Diglycidyl ether of Bisphenol A		B		
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution		D		
Diisobutylamine	2361	(C)		
Diisobutylene	2050	B		
Diisobutyl ketone	1157	D		
Diisobutyl phthalate		B		
Diisodecyl phthalate		D		
Diisononyl adipate		(D)		
Diisononyl phthalate		D		
Diisopropanolamine		C		
Diisopropylamine	1158	C		
Diisopropylbenzene (all isomers)		A	0.1	0.05
Diisopropyl naphthalene		D		
Dimethyl acetamide		(B)		
Dimethylamine solution (45% or less)	1160	C		
Dimethylamine solution (greater than 45% but not greater than 55%)	1160	C		
Dimethylamine solution (greater than 55% but not greater than 65%)	1160	C		

	I	II	III	IV
N,N-Dimethylcyclohexyl-amine	2264	C		
Dimethylethanolamine	2051	D		
Dimethylformamide	2265	D		
Dimethyl phthalate		C		
Dinitrotoluene (molten)	1600	B		
Dinonyl phthalate		D		
1,4-Dioxane	1165	D		
Dipentene	2052	C		
Diphenyl/Diphenyl oxide mixtures		A	0.1	0.05
Diphenyl ether		A	0.1	0.05
Diphenylmethane diiso-cyanate	2489	(B)		
Diphenyl oxide/Diphenyl phenyl ether mixture		A	0.1	0.05
Di-n-propylamine	2383	C		
Dipropylene glycol methyl ether		(D)		
Ditridecyl phthalate		D		
Diundecyl phthalate		D		
Divinyl acetylene		(D)		
Dodecane		(D)		
Dodecene (all isomers)		B		
Dodecyl alcohol		B		
Dodecylbenzene		C		
Dodecyl diphenyl oxide disulphonate solution		B		
Dodecylphenol		A	0.1	0.05
Epichlorohydrin	2023	C		
Ethanolamine	2491	D		
2-Ethoxyethanol	1171	D		
2-Ethoxyethyl acetate	1172	C		
Ethyl acetate	1173	D		
Ethyl acetoacetate		(D)		
Ethyl acrylate	1917	B		
Ethylamine	1036	C		
Ethylamine solutions (72% or less)	2270	C		
Ethyl amyl ketone	2271	C		
Ethylbenzene	1175	C		
N-Ethylbutylamine		(C)		

	I	II	III	IV
Ethylcyclohexane		D		
N-Ethylcyclohexylamine		D		
Ethylene chlorohydrin	1135	C		
Ethylene cyanohydrin		(D)		
Ethylenediamine	1604	C		
Ethylenediamine, tetraacetic acid, tetrasodium salt solution		D		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol		D		
Ethylene glycol methyl butyl ether		D		
Ethylene glycol acetate		(D)		
Ethylene glycol butyl ether acetate		D		
Ethylene glycol methyl ether	1188	D		
Ethylene glycol methyl ether acetate	1189	D		
Ethylene glycol phenyl ether		D		
Ethylene glycol phenyl ether/Diethylene glycol phenyl ether mixture		D		
Ethylene oxide/Propylene oxide mixtures with an ethylene oxide content of not more than 30% by weight	2983	D		
2-Ethylhexanoic acid		D		
2-Ethylhexyl acrylate		D		
2-Ethylhexylamine	2276	B		
Ethylidene norbornene		B		
Ethyl lactate	1192	D		
Ethyl methacrylate	2277	(D)		
o-Ethyl phenol		(A)	0.1	0.05
2-Ethyl-3-propylacrolein		B		
Ethyltoluene		(B)		
Fatty alcohols (C_{12}-C_{20})		B		

	I	II	III	IV
Ferric chloride solution	2582	C		
Ferric hydroxyethyl ethylenediamine triacetic acid, trisodium salt solution		D		
Fish oil		D		
Formaldehyde solutions (45% or less)	1198 2209	C		
Formamide		D		
Formic acid	1779	D		
Fumaric adduct of rosin, water dispersion		B		
Furfural	1199	C		
Furfuryl alcohol	2874	C		
Glutaraldehyde solutions (50% or less)		D		
Glycidyl ester of C_{10} tryalkyl acetic acid		B		
Ground nut oil		D		
Heptanoic acid		(D)		
Heptanol (all isomers)		C		
Heptene (mixed isomers)		C		
Heptyl acetate		(B)		
Hexahydrocymene		(C)		
Hexamethylenediamine solution	1783	C		
Hexamethylenediamine adipate (50% in water)		D		
Hexamethyleneimine	2493	C		
1-Hexanol	2282	D		
1-Hexene	2370	C		
Hexyl acetate	1233	B		
Hydrochloric acid	1789	D		
Hydrogen peroxide solutions (over 60% but not over 70%)	2015	C		
Hydrogen peroxide solutions (over 8% but not over 60%)	2014 2984	C		
2-Hydroxyethyl acrylate		B		

	I	II	III	IV
N-(Hydroxyethyl)ethylene diamine triacetic acid, trisodium salt solution		D		
Iron chloride, Copper chloride mixture		A	0.1	0.05
Isoamyl acetate	1104	C		
Isoamyl alcohol	1105	D		
Isobutyl acetate	1213	C		
Isobutyl acrylate	2527	D		
Isobutyl formate	2393	D		
Isobutyl formate/ Isobutanol mixtures		(C)		
Isobutyl methacrylate	2283	D		
Isobutyraldehyde	2045	C		
Isodecaldehyde		C		
Isodecyl acrylate		A	0.1	0.05
Isononanoic acid		D		
Isooctane	1262	(D)		
Isopentane	1265	D		
Isophorone		D		
Isophorone diamine	2289	D		
Isophorone diisocyanate	2290	B		
Isoprene	1218	C		
Isopropanolamine		C		
Isopropylamine	1221	C		
Isopropylbenzene	1918	B		
Isopropyl cyclohexane		D		
Isopropyl ether	1159	D		
Isovaleraldehyde	2058	C		
Lactic acid		D		
Lactonitrile solution (80% or less)		B		
Latex (ammonia inhibited)		D		
Linseed oil		D		
Maleic anhydride	2215	D		
Mercaptobenzothiazol, sodium salt solution		(B)		
Mesityl oxide	1229	D		
Methacrylic acid	2531	D		

	I	II	III	IV
Methacrylic resin in 1,2-Dichloroethane solution		(D)		
Methacrylonitrile		(B)		
Methanethiol		A	0.1	0.05
3-Methoxybutyl acetate	2708	D		
Methyl acrylate	1919	C		
Methylamine solutions (42% or less)	1235	C		
Methylamyl acetate	1233	(C)		
Methylamyl alcohol	2053	(C)		
Methyl amyl ketone	1110	(C)		
Methyl benzoate	2938	B		
Methyl tert-butyl ether	2398	D		
2-Methyl butyraldehyde		(C)		
4,4′-Methylene dianiline and its higher molecular weight polymers/ o-Dichlorobenzene mixtures		B		
Methylethanolamine		C		3
2-Methyl-6-ethylaniline		C		
Methyl ethyl ketone	1193	D		
2-Methyl-5-ethyl pyridine	2300	(B)		
Methyl formate	1243	D		
Methyl isobutyl ketone	1245	D		
Methyl methacrylate	1247	D		
alpha-Methylnaphthalene		A	0.1	0.05
beta-Methylnaphthalene		(A)	0.1	0.05
Methyl naphthalene		A	0.1	0.05
2-Methyl-1-pentene	2288	C		
Methylpropyl ketone	1249	D		
2-Methylpyridine	2313	B		
4-Methylpyridine	2313	B		
N-Methyl-2-pyrrolidone		B		
Methyl salicylate		(B)		
alpha-Methylstyrene	2303	A	0.1	0.05
Morpholine	2054	D		
Motor fuel anti-knock compounds	1649	A	0.1	0.05
Naphthalene (molten)	2304	A	0.1	0.05

	I	II	III	IV
Naphthenic acids		(A)	0.1	0.05
Neodecanoic acid		(B)		
Nitrating acid (mixture of sulphuric and nitric acids)	1796	(C)		
Nitric acid (less than 70%)	2031	C		
Nitric acid (70% and over)	2031 2032	C		
Nitrilotriacetic acid, trisodium salt solution		D		
Nitrobenzene	1662	B		
Nitroethane	2842	(D)		
Nitromethane	1261	(D)		
o-Nitrophenol (molten)	1663	B		
1- or 2-Nitropropane	2608	D		
Nitropropane (60%)/ Nitroethane (40%) mixture	1993	D		
Nitrotoluenes	1664	C		
Nonane	1920	(D)		
Nonanoic acid		D		
Nonene		B		
Nonyl alcohol		C		
Nonylphenol		A	0.1	0.05
Nonylphenol poly(4-12) ethoxylates		B		
9,12-Octadecadienoic acid (Linoleic acid)		D		
9,12,15-Octadecatrienoic acid (Linolenic acid)		D		
Octane	1262	(D)		
Octanol (all isomers)		C		
Octene (all isomers)		B		
n-Octyl acetate		(D)		
Octyl decyl phthalate		D		
Olefins, straight chain, mixtures		B		
Olefins (C_6-C_8 mixtures)		B		
alpha-Olefins (C_6-C_{18} mixtures)		B		
Oleic acid		(D)		

	I	II	III	IV
Oleum	1831	C		
Olive oil		D		
Oxalic acid (10-25%)		D		
Palm nut oil		D		
Palm oil		D		
Palm oil, methyl ester		D		
Palm stearin		D		
n-Paraffins (C_{10}-C_{20})		(D)		
Paraldehyde	1264	C		
Pentachloroethane	1669	B		
1,3-Pentadiene		C		
Pentaethylenehexamine/ Tetraethylenepentamine mixture		D		
n-Pentane	1265	C		
1-Pentanol	1105	D		
2-Pentanol	1105	(D)		
3-Pentanol	1105	(D)		
Pentene (all isomers)		C		
Perchloroethylene	1897	B		
Phenol	2312	B		
1-Phenyl-1-xylyl ethane		C		
Phosphoric acid	1805	D		
Phosphorus, yellow or white	2447	A	0.01	0.005
Phosphorus oxychloride	1810	D		
Phosphorus trichloride	1809	D		
Phthalic anhydride	2214	C		
Pinene	2368	A	0.1	0.05
Polyalkylene glycol butyl ether		(D)		
Polyepthylene polyamines	2734 2735	(C)		
Polymethylene polyphenyl isocyanate	2206 2207	D		
Polypropylene glycols		D		
Potassium hydroxide solution	1814	C		
Potassium silicate solution		(D)		
n-Propanolamine		C		

	I	II	III	IV
beta-Propiolactone		D		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride	2496	C		
Propionitrile	2404	C		
n-Propyl acetate	1276	D		
n-Propyl alcohol	1274	D		
n-Propylamine	1277	C		
n-Propyl benzene	2364	(C)		
n-Propyl chloride	1278	B		
Propylene dimer		(C)		
Propylene glycol ethyl ether		(D)		
Propylene glycol methyl ether		(D)		
Propylene oxide	1280	D		
Propylene trimer	2057	B		
Pyridine	1282	B		
Rape seed oil		D		
Rice bran oil		D		
Rosin		A	0.1	0.05
Rosin soap (disproportionated) solution		B		
Safflower oil		D		
Sesame oil		D		
Silicon tetrachloride	1818	D		
Sodium aluminate solution	1819	C		
Sodium borohydride (15% or less)/Sodium hydroxide solution		C		
Sodium dichromate solution (70% or less)		B		
Sodium hydrogen sulphite solution	2693	D		
Sodium hydrosulphide solution (45% or less)	2949	B		
Sodium hydrosulphide/ Ammonium sulphide solution		B		
Sodium hydroxide solution	1824	D		

	I	II	III	IV
Sodium hypochlorite solution (15% or less)	1791	B		
Sodium nitrite solution	1577	B		
Sodium silicate solution		D		
Sodium sulphide solution	1849	B		
Sodium sulphite solution		(C)		
Soya bean oil		D		
Sperm oil		D		
Styrene monomer	2055	B		
Sulphuric acid	1830	C		
Sulphuric acid, spent	1832	C		
Sulphurous acid	1833	(C)		
Sunflower oil		D		
Tall oil, crude and distilled		A	0.1	0.05
Tall oil fatty acid (resin acids less than 20%)		(C)		
Tall oil soap (disproportionated) solution		B		
Tallow		D		
Tannic acid		C		
Tetrachloroethane	1702	B		
Tetraethylenepentamine	2320	D		
Tetrahydrofuran	2056	D		
Tetrahydronaphthalene		C		
1,2,3,5-Tetramethyl benzene		(C)		
Titanium tetrachloride	1838	D		
Toluene	1294	C		
Toluenediamine	1709	C		
Toluene diisocyanate	2078	C		
o-Toluidine	1708	C		
Tributyl phosphate		B		
1,2,4-Trichlorobenzene	2321	B		
1,1,1-Trichloroethane	2831	B		
1,1,2-Trichloroethane		B		
Trichloroethylene	1710	B		
1,2,3-Trichloropropane		B		

	I	II	III	IV
1,1,2-Trichloro-1,2,2-trifluoroethane		C		
Tricresyl phosphate (containing less than 1% ortho-isomer)		A	0.1	0.05
Tricresyl phosphate (containing 1% or more ortho-isomer)	2574*	A	0.1	0.05
Triethanolamine		D		
Triethylamine	1296	C		
Triethylbenzene		A	0.1	0.05
Triethylene glycol methyl ether		(D)		
Triethylenetetramine	2259	D		
Triethyl phosphate		D		
Triisopropanolamine		D		
Trimethylacetic acid		D		
Trimethylamine		C		
1,2,3-Trimethylbenzene		(B)		
1,2,4-Trimethylbenzene		B		
1,3,5-Trimethylbenzene	2325	(B)		
Trimethylhexamethylene diamine (2,2,4- and 2,4,4- isomers)	2327	D		
Trimethylhexamethylene diisocyanate (2,2,4- and 2.4,4- isomers)	2328	B		
Trimethylol propane polyethoxylate		D		
2,2,4-Trimethyl-1,3-pentanediol-1-iso-butyrate		C		
Tripropylene glycol methyl ether		(D)		
Trixylyl phosphate		A	0.1	0.05
Tung oil		D		
Turpentine	1299	B		
Undecane	2330	(D)		
1-Undecene		B		
Undecyl alcohol		B		
Urea, Ammonium nitrate solution		D		

* UN number 2574 applies to Tricresyl phosphate containing more than 3% ortho-isomer.

	I	II	III	IV
Urea, Ammonium phosphate solution		D		
Urea, Ammonium solution (containing aqua Ammonia)		C		
1-Valeraldehyde	2058	D		
Vinyl acetate	1301	C		
Vinyl ethyl ether	1302	C		
Vinylidene chloride	1303	B		
Vinyl neodecanoate		C		
Vinyl toluene	2618	A	0.1	0.05
White spirit, low (15-20%) aromatic	1300	(B)		
Xylene	1307	C		
Xylenol	2261	B		

APPENDIX III

LIST OF OTHER LIQUID SUBSTANCES

Existing list is replaced by the following:

Substance	UN Number
Acetone	1090
Acetonitrile	1648
Alcohols, C_1, C_2, C_3 as individuals and mixtures	
Alcohols, C_4	
Alcohols, C_{13} and above as individuals and mixtures	
Alum (15% solution)	
tert-Amyl alcohol	1105
n-Butyl alcohol	1120
sec-Butyl alcohol	1120
tert-Butyl alcohol	1120
Butyl stearate	
Calcium bromide solution	
Cetyl/Eicosyl methacrylate mixture	
Citric juice	
Dextrose solution	
Dibutyl sebacate	

Substance	UN Number
Dicyclopentadiene	2048
Diethanolamine	
Diethylene glycol	
Diethylene glycol diethyl ether	
Diethylene glycol butyl ether	
Diethylene glycol ethyl ether	
Diethylenetriamine pentaacetic acid, pentasodium salt solution	
Diethyl ether	1155
Diethyl ketone	1156
Diheptyl phthalate	
Dihexyl phthalate	
Diisooctyl phthalate	
Dioctyl phthalate	
Dipropylene glycol	
Dodecyl methacrylate	
Dodecyl/Pentadecyl methacrylate mixture	
Ethyl alcohol	1170
Ethylene carbonate	
Ethylene glycol butyl ether	2369
Ethylene glycol tertiary butyl ether	
Ethylene-vinylacetate copolymer (emulsion)	
Glycerin	
Glycine sodium salt solution	
1-Heptadecene	
n-Heptane	1206
1-Hexadecene	
n-Hexane	1208
Hexylene glycol	
Isobutyl alcohol	1212
Isopropyl acetate	1220
Isopropyl alcohol	1219
Lard	
Latex (carboxylated styrene/butadiene copolymer)	
Lignin sulphonic acid, salt (low COD) solution	
Magnesium chloride solution	
Magnesium hydroxide slurry	
3-Methoxy-1-butanol	
Methyl acetate	1231

Substance	UN Number
Methyl alcohol	1230
2-Methyl-2-hydroxy-3-butyne	
3-Methyl-3-methoxy butanol	
3-Methyl-3-methoxy butyl acetate	
2-Methylpentane*	1208
Milk	
Molasses	
1-Octadecanol	
Olefins (C_{13} and above, all isomers)	
Paraffin wax	
1-Pentadecene	
Petroleum spirit	1271
Polyaluminium chloride solution	
Polybutene	
Polyethylene glycols	
Polyethylene glycol dimethyl ether	
Polypropylene glycol methyl ether	
Polysiloxane	
1,2-Propylene glycol	
Propylene tetramer	2850
Sodium alumino silicate slurry	
Sodium chlorate solution (50% or less)	2428
Sodium salicylate	
Sorbitol	
Sulpholane*	
Sulphur (molten)	2448
1-Tetradecanol	
Tetradecene	
Tridecanol	
Tridecene	
Triethylene glycol	
Triethylene glycol butyl ether	
Triisobutylene	2324
Tripropylene glycol	
Urea solution	
Urea resin solution	
Vegetable protein solution (hydrolyzed)	
Wine	

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

APPENDIX IV

CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK

The existing Appendix IV is replaced by the following:

"Appendix IV

FORM OF CARGO RECORD BOOK

CARGO RECORD BOOK FOR SHIPS CARRYING
NOXIOUS LIQUID SUBSTANCES IN BULK

Name of ship :

Distinctive number
or letters :

Gross tonnage :

Period from: to:

NAME OF SHIP: .....

DISTINCTIVE NUMBER
OR LETTERS: .....

PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)

INTRODUCTION

The following pages show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Cargo Record Book on a tank-to-tank basis in accordance with paragraph 2 of Regulation 9 of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended. The items have been grouped into operational sections, each of which is denoted by a letter.

When making entries in the Cargo Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge and, if applicable, by a surveyor authorized by the competent authority of the State in which the ship is unloading. Each completed page shall be countersigned by the master of the ship.

Entries in the Cargo Record Book are required only for operations involving Categories A, B, C and D substances.

LIST OF ITEMS TO BE RECORDED

Entries are required only for operations involving Categories A, B, C and D substances.

(A) LOADING OF CARGO

1. Place of loading

Note: Every ship carrying noxious liquid substances in bulk shall be provided with a Cargo Record Book to record relevant cargo/ballast operations.

2. Identify tank(s), name of substance(s) and category(ies).

(B) INTERNAL TRANSFER OF CARGO

3. Name and category of cargo(es) transferred.

4. Identity of tanks.

.1 From:

.2 To:

5. Was (were) tank(s) in 4.1 emptied?

6. If not, quantity remaining in tank(s).

(C) UNLOADING OF CARGO

7. Place of unloading

8. Identity of tank(s) unloaded.

9. Was (were) tank(s) emptied?

.1 If yes, confirm that the procedure for emptying and stripping has been performed in accordance with the ship's Procedures and Arrangements Manual (i.e., list, trim, stripping temperature).

.2 If not, quantity remaining in tank(s).

10. Does the ship's Procedures and Arrangements Manual require a prewash with subsequent disposal to reception facilities?

11. Failure of pumping and/or stripping system.

.1 Time and nature of failure.

.2 Reasons for failure.

.3 Time when system has been made operational.

(D) MANDATORY PREWASH IN ACCORDANCE WITH THE SHIP'S PROCEDURES AND ARRANGEMENTS MANUAL

12. Identify tank(s), substance(s) and category(ies).

13. Washing method:

.1 Number of washing machines per tank.

.2 Duration of wash/washing cycles.

.3 Hot/cold wash.

14. Prewash slops transferred to:

.1 Reception facility in unloading port (identify port).

.2 Reception facility otherwise (identify port).

(E) CLEANING OF CARGO TANKS EXCEPT MANDATORY PREWASH (OTHER PREWASH OPERATIONS, FINAL WASH, VENTILATION ETC.

15. State time, identify tank(s), substance(s) and category(ies) and state:

.1 Washing procedure used.

.2 Cleaning agent(s) (identify agent(s) and quantities).

.3 Dilution of cargo residues with water, state how much water used (only Category D substances).

.4 Ventilation procedure used (state number of fans used, duration of ventilation).

16. Tank washings transferred:

.1 Into the sea.

.2 To reception facility (identify port).

.3 To slops collecting tank (identify tank).

(F) DISCHARGE INTO THE SEA OF TANK WASHINGS

17. Identify tank(s).

.1 Were tank washings discharged during cleaning of tank(s), if so at what rate?

.2 Were tank washing(s) discharged from a slops collecting tank? If so, state quantity and rate of discharge.

18. Time commenced and stopped pumping.

19. Ship's speed during discharge.

(G) BALLASTING OF CARGO TANKS

20. Identity of tank(s) ballasted.

21. Tide at start of ballasting.

(H) DISCHARGE OF BALLAST WATER FROM CARGO TANKS

22. Identity of tank(s).

23. Discharge of ballast:

.1 Into the sea.

.2 To reception facilities (identify port).

24. Time commenced and stopped ballast discharge.

25. Ship's speed during discharge.

(I) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGE

26. Time of occurrence.

27. Approximate quantity, substance(s) and category(ies).

28. Circumstances of discharge or escape and general remarks.

(J) CONTROL BY AUTHORIZED SURVEYORS

29. Identify port.

30. Identify tank(s), substance(s), category(ies) discharged ashore.

31. Have tank(s), pump(s), and piping system(s) been emptied?

32. Has a prewash in accordance with the ships's Procedures and Arrangements Manual been carried out?

33. Have tank washings resulting from the prewash been discharged ashore and is the tank empty?

34. An exemption has been granted from mandatory prewash.

35. Reasons for exemption.

36. Name and signature of authorized surveyor.

37. Organization, company, government agency for which surveyor works.

(K) ADDITIONAL OPERATIONAL PROCEDURES AND REMARKS

NAME OF SHIP: .....

DISTINCTIVE NUMBER
OR LETTERS: .....

CARGO/BALLAST OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge/ name of and signature of authorized surveyor

Signature of Master.....

APPENDIX V

FORM OF CERTIFICATE

The existing form of the Certificate is replaced by the following:

"INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto as amended (hereinafter referred to as "the Convention") under the authority of the Government of

.....
(full official designation of the country

by .....
(full official designation of the competent person or organization authorized under the provisions of the Convention)

Name of ship	Distinctinve number or letters	Port of registry	Gross tonnage

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with the provisions of Regulation 10 of Annex II of the Convention.

2 That the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex II of the Convention.

3. That the ship has been provided with a manual in accordance with the standards for procedures and arrangements as called for by Regulation 5, 5A and 8 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the manual are in all respects satisfactory and comply with the applicable requirements of the said Standards.

4 That the ship is suitable for the carriage in bulk of the following noxious liquid substances, provided that all relevant operational provisions of Annex II of the Convention are observed.

Noxious liquid substances	Conditions of carriage (tank numbers etc.)
*Continued on additional signed and dated sheets	

This certificate is valid, until .....
subject to surveys in accordance with Regulation 10 of Annex II of the Convention

Issued at.....
(place of issue of Certificate)

..... 19..... .....
(Date of issue) (Signature of duly authorized official issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 10 of Annex II of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed: .....
(signature of duly authorized official)

Place: .....
Date: .....

(seal or stamp of the Authority, as appropriate)

Annual**/Intermediate** survey: Signed: .....
(signature of duly authorized official)

Place: .....
Date: .....

(seal or stamp of the Authority, as appropriate)

Annual**/Intermediate** survey: Signed: .....
(signature of duly authorized official)

Place: .....
Date: .....

(seal or stamp of the Authority, as appropriate)

Annual survey: Signed: .....
(signature of duly authorized official)

Place: .....
Date: .....

(seal or stamp of the Authority, as appropriate)

* Delete as necessary

** Delete as appropriate

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1987

Done at London 1 December 1987

Entered into force 1 April 1989

Primary source citation: Copy of text provided by the International Maritime Organization

ANNEX

1987 AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX I

Regulations for the Prevention of Pollution by Oil

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while operating in Special Areas

The existing text of paragraph (1) is replaced by the following:

"(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area" and the Gulf of Aden area, which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36′W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8′N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°28.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E).

(e) The Gulfs area means the sea area located north west of the rhumb line between Ras al Hadd (22°30′N, 59°48′E) and Ras Al Fasteh (25°04′N, 61°25′E).

(f) The Gulf of Aden area means that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5′N, 43°19.6′E) and Husn Murad (12°40.4′N, 43°30.2′E) and to the east by the rhumb line between Ras Asir (11°50′N, 51°16.9′E) and Ras Fartak (15°35′N, 52°13.8′E)."

The introductory phrase of paragraph (7)(b) is replaced by the following:

"(b) Red Sea area, Gulfs area and Gulf of Aden area:".

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1989

Done at London 17 March 1989

Entered into force 13 October 1990

Primary source citation: Copy of text provided by the International Maritime Organization

AMENDMENTS TO APPENDICES II AND III OF ANNEX II OF MARPOL 73/78

The lists contained in Appendices II and III of Annex II of MARPOL 73/78 are replaced by the following:

APPENDIX II

Substance	I	II	III	IV
Acetaldehyde	1089	C		
Acetic acid	2789	D		
Acetic anhydride		D		
Acetone cyanohydrin	1541	A	0.1	0.05
Acrylamide solution (50% or less)	2074	D		
Acrylic acid	2218	D		
Acrylonitrile	1093	B		
Adiponitrile	2205	D		
Alcohol (C12-C15) poly(1-3) ethoxylates		A	0.1	0.05
Alcohol (C12-C15) poly(3-11) ethoxylates		A	0.1	0.05
Alcohol (C6-C17)(secondary) poly(3-6) ethoxylates		A	0.1	0.05
Alcohol (C6-C17)(secondary) poly(7-12) ethoxylates		B		
Alkyl acrylate-Vinyl pyridine copolymer in toluene		C		
Alkyl (C9-C17) benzenes		(D)		
Alkyl benzene sulphonic acid	2584, 2586	C		
Alkyl benzene sulphonic acid, sodium salt solution		C		
Allyl alcohol	1098	B		
Allyl chloride	1100	B		

Pollution Category in brackets indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources. Until the hazard evaluation is completed the Pollution Category assigned shall be used.

Substance	I	II	III	IV
Aluminium chloride (30% or less)/Hydrochloric acid (20% or less) solution		D		
Aluminium sulphate solution		D		
2-(2-Aminoethoxy) ethanol	3055	D		
Aminoethyl ethanolamine		(D)		
N-Aminoethylpiperazine	2815	D		
2-Amino-2-methyl-1-propanol (90% or less)		D		
Ammonia aqueous (28% or less)	2672*	C		
Ammonium nitrate solution (93% or less)		D		
Ammonium sulphate solution		D		
Ammoniun sulphide solution (45% or less)	2683	B		
Ammonium thiocyanate (25% or less)/Ammonium thiosulphate (20% or less) solution		(C)		
Ammonium thiosulphate solution (60% or less)		(C)		
n-Amyl acetate	1104	C		
sec-Amyl acetate	1104	C		
Amyl acetate, commercial	1104	C		
n-Amyl alcohol	1105	D		
sec-Amyl alcohol	1105	D		
Amyl alcohol, primary	1105	D		
Aniline	1547	C		
Animal and fish oils, n.o.s. including: Cod liver oil Sperm oil		D		
Aviation alkylates (C8 paraffins and iso-paraffins BPT 95 - 120°C)		(C)		
Benzene and mixtures having 10% benzene or more	1114**	C		
Benzene sulphonyl chloride	2225	D		
Benzyl acetate		C		
Benzyl alcohol		C		
Benzyl chloride	1738	B		
Brake fluid base mix: (poly(2-8) alkylene(C2-C3) glycols/Polyalkylene(C2-C10) glycols monoalkyl(Cl-C4) ethers and their borate esters)		D		
Butene oligomer		B		
n-Butyl acetate	1123	C		
sec-Butyl acetate	1123	D		
n-Butyl acrylate	2348	B		
Butylamine (all isomers)		C		
Butylbenzenes (all isomers)	2709	(A)	0.1	0.05
Butyl benzyl phthalate		A	0.1	0.05
n-Butyl butyrate		(C)		
Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture		D		
Butylene glycol		D		
1,2-Butylene oxide	3022	C		
n-Butyl ether	1149	C		

* UN number refers to 10-35%.
** UN number 1114 applies to Benzene.

Substance	I	II	III	IV
Butyl lactate		D		
Butyl methacrylate		D		
n-Butyraldehyde	1129	B		
Butyric acid	2820	D		
gamma-Butyrolactone		D		
Calcium alkyl salicylate		C		
Calcium hydroxide slurry		D		
Calcium hypochlorite solution (15% or less)		C		
Calcium hypochlorite solution (more than 15%)		B		
Calcium naphthenate in mineral oil		A	0.1	0.05
Camphor oil	1130	B		
epsilon-Caprolactam (molten or aqueous solutions)		D		
Carbolic oil		A	0.1	0.05
Carbon disulphide	1131	B		
Carbon tetrachloride	1846	B		
Cashew nut shell oil (untreated)		D		
Chlorinated paraffins (C10-C13)		A	0.1	0.05
Chloroacetic acid (80% or less)	1750	C		
Chlorobenzene	1134	B		
Chloroform	1888	B		
Chlorohydrins (crude)		(D)		
o-Chloronitrobenzene	1578	B		
2- or 3-Chloropropionic acid		(C)		
Chlorosulphonic acid	1754	C		
m-Chlorotoluene	2238	B		
o-Chlorotoluene	2238	A	0.1	0.05
p-Chlorotoluene	2238	B		
Chlorotoluenes (mixed isomers)	2238	A	0.1	0.05
Choline chloride solutions		D		
Citric acid		D		
Coal tar		A	0.1	0.05
Coal tar naphtha solvent		B		
Coal tar pitch (molten)		D		
Cobalt naphthenate in solvent naphtha		A	0.1	0.05
Coconut oil fatty acid		C		
Coconut oil fatty acid methyl ester		D		
Creosote (coal tar)		A	0.1	0.05
Creosote (wood)		A	0.1	0.05
Cresols (all isomers)	2076	A	0.1	0.05
Cresylic acid, sodium salt solution		A	0.1	0.05
Crotonaldehyde	1143	B		
Cycloheptane	2241	(C)		
Cyclohexane	1145	C		
Cyclohexanol		C		
Cyclohexanone	1915	D		
Cyclohexyl acetate		(B)		
Cyclohexylamine	2357	C		

Substance	I	II	III	IV
1,3-Cyclopentadiene dimer (molten)		B		
Cyclopentane	1146	(C)		
Cyclopentene		(B)		
p-Cymene	2046	C		
Decahydronaphthalene	1147	(D)		
Decanoic acid		C		
Decene		B		
Decyl acrylate		A	0.1	0.05
Decyl alcohol (all isomers)		B		
Decylbenzene		D		
Diacetone alcohol	1148	D		
Dialkyl (C7-C13) phthalates		D		
Dibutylamine		C		
Dibutyl phthalate		A	0.1	0.05
Dichlorobenzenes (all isomers)	1592	B		
1,1-Dichloroethane	2362	B		
Dichloroethyl ether	1916	B		
1,6-Dichlorohexane		B		
2,2-Dichloroisopropyl ether	2490	C		
Dichloromethane	1593	D		
2,4-Dichlorophenol	2021	A	0.1	0.05
2,4-Dichlorophenoxyacetic acid, diethanolamine salt solution		A	0.1	0.05
2,4-Dichlorophenoxyacetic acid, dimethylamine salt solution (70% or less)		A	0.1	0.05
2,4-Dichlorophenoxyacetic acid, triisopropanolamine salt solution		A	0.1	0.05
1,1-Dichloropropane		B		
1,2-Dichloropropane	1279	B		
1,3-Dichloropropane		B		
1,3-Dichloropropene	2047	B		
Dichloropropene/Dichloropropane mixtures		B		
2,2-Dichloropropionic acid		D		
Diethylamine	1154	C		
Diethylaminoethanol	2686	C		
Diethylbenzene	2049	C		
Diethylene glycol butyl ether acetate		(D)		
Diethylene glycol dibutyl ether		D		
Diethylene glycol ethyl ether acetete		(D)		
Diethylene glycol methyl ether		C		
Diethylene glycol methyl ether acetate		(D)		
Diethylenetriamine	2079	D		
Di-(2-ethylhexyl) adipate		D		
Di-(2-ethylhexyl) phosphoric acid	1902	C		
Diethyl phthalate		C		
Diethyl sulphate	1594	(B)		
Diglycidyl ether of bisphenol A		B		

Substance	I	II	III	IV
Diglycidyl ether of bisphenol F		B		
Di-n-hexyl adipate		B		
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution		D		
Diisobutylamine	2361	(C)		
Diisobutylene	2050	B		
Diisobutyl ketone	1157	D		
Diisobutyl phthalate		B		
Diisodecyl phthalate		D		
Diisononyl adipate		D		
Diisopropanolamine		C		
Diisopropylamine	1158	C		
Diisopropylbenzene (all isomers)		A	0.1	0.05
Diisopropyl naphthalene		D		
N,N-Dimethylacetamide solution (40% or less)		D		
Dimethyl adipate		B		
Dimethylamine solution (45% or less)	1160	C		
Dimethylamine solution (greater than 45% but not greater than 55%)	1160	C		
Dimethylamine solution (greater than 55% but not greater than 65%)	1160	C		
N,N-Dimethylcyclohexylamine	2264	C		
Dimethylethanolamine	2051	D		
Dimethylformamide	2265	D		
Dimethyl glutarate		C		
Dimethyl octanoic acid		(C)		
Dimethyl phthalate		C		
2,2-Dimethylpropane-1,3-diol		(D)		
Dimethyl succinate		C		
Dinitrotoluene (molten)	1600	B		
Dinonyl phthalate		D		
1,4-Dioxane	1165	D		
Dipentene	2052	C		
Diphenyl		A	0.1	0.05
Diphenyl/Diphenyl ether mixtures		A	0.1	0.05
Diphenyl ether		A	0.1	0.05
Diphenyl ether/Diphenyl phenyl ether mixture		A	0.1	0.05
Diphenylmethane diisocyanate	2489	(B)		
Diphenylol propane-epichlorohydrin resins		B		
Di-n-propylamine	2383	C		
Dipropylene glycol methyl ether		(D)		
Ditridecyl phthalate		D		
Diundecyl phthalate		D		
Dodecene (all isomers)		(B)		
Dodecenyl succinic acid, dipotassium salt solution		(D)		
Dodecyl alcohol		B		
Dodecyl diphenyl ether disulphonate solution		B		

Substance	I	II	III	IV
Dodecyl phenol		A	0.1	0.05
Drilling brines, containing Zinc salts		(A)	0.1	0.05
Epichlorohydrin	2023	C		
Ethanolamine	2491	D		
2-Ethoxyethanol	1171	D		
2-Ethoxyethyl acetate	1172	C		
Ethyl acetate	1173	D		
Ethyl acetoacetate		(D)		
Ethyl acrylate	1917	A	0.1	0.05
Ethylamine	1036	(C)		
Ethylamine solutions (72% or less)	2270	(C)		
Ethyl amyl ketone	2271	C		
Ethylbenzene	1175	C		
N-Ethylbutylamine		(C)		
Ethyl butyrate	1180	C		
Ethylcyclohexane		(C)		
N-Ethylcyclohexylamine		D		
Ethylene chlorohydrin	1135	C		
Ethylene cyanohydrin		(D)		
Etylenediamine	1604	C		
Ethylenediamine, Tetraacetic acid, Tetrasodium salt solution		D		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol		D		
Ethylene glycol acetate		(D)		
Ethylene glycol butyl ether acetate		(C)		
Ethylene glycol diacetate		C		
Ethylene glycol isopropyl ether		D		
Ethylene glycol methyl butyl ether		D		
Ethylene glycol methyl ether	1188	D		
Ethylene glycol methyl ether acetate	1189	D		
Ethylene glycol phenyl ether		D		
Ethylene glycol phenyl ether/Diethylene glycol phenyl ether mixture		D		
Ethylene oxide/Propylene oxide mixture with an Ethylene oxide content of not more than 30% in weight	2983	D		
2-Ethylhexanoic acid		D		
2-Ethylhexyl acrylate		B		
2-Ethylhexylamine	2276	B		
Ethylidene norbornene		B		
Ethyl methacrylate	2277	(D)		
o-Ethylphenol		(A)	0.1	0.05
Ethyl propionate	1195	D		
2-Ethyl-3-propylacrolein		(B)		
Ethyltoluene		(B)		
Ferric chloride solutions	2582	C		

Substance	I	II	III	IV
Ferric hydroxyethyl ethylenediamine triacetic acid, trisodium salt solution		D		
Ferric nitrate/Nitric acid solution		C		
Formaldehyde solutions (45% or less)	1198, 2209	C		
Formamide		D		
Formic acid	1779	D		
Fumaric adduct of rosin, water dispersion		B		
Furfural	1199	C		
Furfuryl alcohol	2874	C		
Glutaraldehyde solutions (50% or less)		D		
Glycidyl ester of C10 trialkylacetic acid		B		
Glyoxal solution (40% or less)		D		
Heptane (all isomers)	1206	(C)		
n-Heptanoic acid		(D)		
Heptanol (all isomers)		C		
Heptene (all isomers)		C		
Heptyl acetate		(B)		
Hexamethylenediamine adipate (50% in water)		D		
Hexamethylenediamine solution	1783	C		
Hexamethyleneimine	2493	C		
Hexamethylenetetramine solutions		D		
Hexane (all isomers)	1208	(C)		
Hexanoic acid		D		
Hexanol	2282	D		
Hexene (all isomers)		(C)		
Hexyl acetate	1233	B		
Hydrochloric acid	1789	D		
Hydrogen peroxide solutions (over 8% but not over 60%)	2014, 2984	C		
Hydrogen peroxide solutions (over 60% but not over 70%)	2015	C		
2-Hydroxyethyl acrylate		B		
N-(Hydroxyethyl) ethylenediamine triacetic acid, trisodium salt solution		D		
Isoamyl acetate	1104	C		
Isoamyl alcohol	1105	D		
Isobutyl acetate	1213	C		
Isobutyl acrylate	2527	B		
Isobutyl formate	2393	D		
Isobutyraldehyde	2045	C		
Isophorone		D		
Isophoronediamine	2289	D		
Isophorone diisocyanate	2290	B		
Isoprene	1218	C		
Isopropanolamine		C		
Isopropylamine	1221	C		
Isopropylbenzene	1918	B		
Isopropylcyclohexane		(C)		

Substance	I	II	III	IV
Isopropyl ether	1159	D		
Isovaleraldehyde	2058	C		
Lactic acid		D		
Lactonitrile solution (80% or less)		B		
Latex (ammonia inhibited)		D		
Lauric acid		B		
Maleic anhydride	2215	D		
Mercaptobenzothiazol, sodium salt solution		B		
Mesityl oxide	1229	D		
Metam sodium solution		A	0.1	0.05
Methacrylic acid	2531	D		
Methacrylic resin in 1,2-Dichloroethane solution		B		
Methacrylonitrile	3079	(B)		
3-Methoxybutyl acetate	2708	D		
Methyl acetoacetate		D		
Methyl acrylate	1919	B		
Methylamine solutions (42% or less)	1235	C		
Methylamyl acetate	1233	(C)		
Methylanyl alcohol	2053	(C)		
Methyl amyl ketone	1110	(C)		
Methyl butenol		(D)		
Methyl tert-butyl ether	2398	D		
Methyl butyl ketone		D		
Methyl butynol		D		
Methyl butyrate	1237	(C)		
Methylcyclohexane	2296	(C)		
Methylcyclopentadiene dimer		(B)		
2-Methyl-6-ethyl aniline		C		
2-Methyl-5-ethyl pyridine	2300	(B)		
Methyl formate	1243	D		
Methyl heptyl ketone		B		
Methyl isobutyl ketone	1245	D		
Methyl methacrylate	1247	D		
Methylnaphthalene		A	0.1	0.05
2-Methyl-1-pentene	2288	C		
Methyl propyl ketone		D		
2-Methylpyridine	2313	B		
4-Methylpyridine	2313	B		
N-Methyl-2-pyrrolidone		B		
Methyl salicylate		(B)		
alpha-Methylstyrene	2303	A	0.1	0.05
Morpholine	2054	D		
Motor fuel anti-knock compounds	1649	A	0.1	0.05
Naphthalene (molten)	2304	A	0.1	0.05
Naphthalene sulphonic acid-formaldehyde copolymer, sodium salt solution		D		
Naphthenic acids		A	0.1	0.05

Substance	I	II	III	IV
Neodecanoic acid		C		
Nitrating acid (mixture of sulphuric and nitric acids)	1796	(C)		
Nitric acid (less than 70%)	2031	C		
Nitric acid (70% and over)	2031, 2032	C		
Nitrilotriacetic acid, trisodium salt solution		D		
Nitrobenzene	1662	B		
o-Nitrophenol (molten)	1663	B		
1- or 2-Nitropropane	2608	D		
Nitropropane (60%)/Nitroethane (40%) mixture	1993	D		
o- or p-Nitrotoluenes	1664	C		
Nonane (all isomers)	1920	(C)		
Nonanoic acid (all isomers)		D		
Nonene		B		
Nonyl alcohol (all isomers)		C		
Nonyl methacrylate monomer		(D)		
Nonylphenol		A	0.1	0.05
Nonyl phenol poly(4-12) ethoxylates		B		
Octane (all isomers)	1262	(C)		
Octanoic acid (all isomers)		D		
Octanol (all isomers)		C		
Octene (all isomers)		B		
n-Octyl acetate		D		
Octyl aldehydes		(B)		
Octyl nitrates (all isomers)		A	0.1	0.05
Olefin mixtures (C5-C7)		C		
Olefin mixtures (C5-C15)		B		
alpha-Olefins (C6-C18) mixtures		B		
Oleic acid		D		
Oleum 1831		C		
Palm nut oil fatty acid		(C)		
Palm oil fatty acid methyl ester		D		
Palm stearin		D		
Paraldehyde	1264	C		
Pentachloroethane	1669	B		
1,3-Pentadiene		C		
Pentaethylenehexamine		D		
Pentane (all isomers)	1265	(C)		
Pentanoic acid		D		
Pentene (all isomers)		C		
Perchloroethylene	1897	B		
Phenol	2312	B		
1-Phenyl-1-xylyl ethane		C		
Phosphoric acid	1805	D		
Phosphorus, yellow or white	1381, 2447	A	0.01	0.005
Phthalic anhydride (molten)	2214	C		

Substance	I	II	III	IV
Pinene	2368	B		
Polyalkylene glycol butyl ether		D		
Polyethylene polyamines	2734, 2735	(C)		
Polyferric sulphate solution		(C)		
Polymethylene polyphenyl isocyanate	2207	D		
Polypropylene glycol		D		
Potassium hydroxide solution	1814	C		
n-Propanolamine		C		
beta-Propiolactone		D		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride	2496	C		
Propionitrile	2404	C		
n-Propyl acetate	1276	D		
n-Propylamine	1277	C		
n-Propylbenzene	2364	(C)		
n-Propyl chloride		B		
Propylene dimer		(C)		
Propylene glycol ethyl ether		(D)		
Propylene glycol methyl ether		(D)		
Propylene glycol monoalkyl ether		(D)		
Propylene oxide	1280	D		
Propylene tetramer	2850	B		
Propylene trimer	2057	B		
Pyridine	1282	D		
Rosin		B		
Rosin soap (disproportionated) solution		B		
Silicon tetrachloride		D		
Sodium aluminate solution		C		
Sodium borohydride (15% or less)/Sodium hydroxide solution		C		
Sodium carbonate solution		D		
Sodium dichromate solution (70% or less)		C		
Sodium hydrogen sulphite solution (35% or less)	2693	D		
Sodium hydrosulphide/Ammonium sulphide solution		B		
Sodium hydrosulphide solution (45% or less)	2949	B		
Sodium hydroxide solution	1824	D		
Sodium hypochlorite solution (15% or less)	1791	C		
Sodium nitrite solution	1577	B		
Sodium silicate solution		D		
Sodium sulphide solution		B		
Sodium sulphite solution		C		
Sodium thiocyanate solution (56% or less)		(B)		
Styrene monomer	2055	B		
Sulpholane		D		
Sulphuric acid	1830	C		
Sulphuric acid, spent	1832	C		

Substance	I	II	III	IV
Tall oil (crude and distilled)		B		
Tall oil fatty acid (resin acids less than 20%)		(C)		
Tall oil soap (disproportionated) solution		B		
Tallow		D		
Tallow fatty acid		(D)		
Tetrachloroethane	1702	B		
Tetraethylene pentamine	2320	D		
Tetrahydrofuran	2056	D		
Tetrahydronaphthalene		C		
1,2,3,5-Tetramethylbenzene		(C)		
Titanium tetrachloride	1838	D		
Toluene	1294	C		
Toluenediamine	1709	C		
Toluene diisocyanate	2078	C		
o-Toluidine	1708	C		
Tributyl phosphate		B		
1,2,4-Trichlorobenzene	2321	B		
1,1,1-Trichloroethane	2831	B		
1,1,2-Trichloroethane		B		
Trichloroethylene	1710	B		
1,2,3-Trichloropropane		B		
1,1,2-Trichloro-1,2,2-trifluoroethane		C		
Tricresyl phosphate (containing less than 1% ortho-isomer)		A	0.1	0.05
Tricresyl phosphate (containing 1% or more ortho-isomer)	2574*	A	0.1	0.05
Triethanolamine		D		
Triethylamine	1296	C		
Triethylbenzene		A	0.1	0.05
Triethylene glycol ethyl ether		(D)		
Triethylene glycol methyl ether		(D)		
Triethylenetetramine	2259	D		
Trimethylacetic acid		D		
Trimethylamine		C		
Trimethyl benzenes (all isomers)		B		
Trimethylhexamethylene diamine (2,2,4- and 2,4,4-isomers)	2327	D		
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4- isomers)	2328	B		
Trimethylol propane polyethoxylate		D		
2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate		C		
Tripropylene glycol methyl ether		(D)		
Trixylyl phosphate		A	0.1	0.05
Turpentine	1299	B		
Undecanoic acid		(C)		
1-Undecene		B		

* UN number 2574 applies to Tricresyl phosphate containing more than 3% ortho-isomer.

Substance	I	II	III	IV
Undecyl alcohol		B		
Urea/Ammonium mono- and di-hydrogen phosphite/Potassium chloride solution		(D)		
Urea/Ammonium nitrate solution		D		
Urea/Ammonium nitrate solution (containing aqua Ammonia)		C		
Urea/Ammonium phosphate solution		D		
n-Valeraldehyde	2058	D		
Vegetable oil, n.o.s., including:		D		
Castor oil				
Coconut oil				
Corn oil				
Cottonseed oil				
Groundnut oil				
Linseed oil				
Olive oil				
Palm nut oil				
Palm oil				
Rape seed oil				
Rice bran oil				
Safflower oil				
Sesame oil				
Soya bean oil				
Sunflower oil				
Tung oil				
Vinyl Acetate	1301	C		
Vinyl ethyl ether	1302	C		
Vinylidene chloride	1303	B		
Vinyl neodecanoate		B		
Vinyltoluene	2618	A	0.1	0.05
White spirit, low (15-20%) aromatic	1300	(B)		
Xylenes	1307	C		
Xylenol	2261	B		

APPENDIX III

Substance	UN number
Acetone	1090
Acetonitrile	1648
Alcoholic beverages, n.o.s.	
Alcohols (C13 and above)	
Aminoethyldiethanolamine/Aminoethylethanolamine solution	
2-Amino-2-hydroxymethyl-1,3-propanediol solution (40% or less)	
tert-Amyl alcohol	1105
Apple juice	
Behenyl alcohol	
Benzene tricarboxylic acid, trioctyl ester	
n-Butyl alcohol	1120
sec-Butyl alcohol	1120

Substance	UN number
tert-Butyl alcohol	1120
Butyl stearate	
Calcium carbonate slurry	
Calcium nitrate/Magnesium nitrate/Potassium chloride solution	
Cetyl/Eicosyl methacrylate mixture	
Cetyl/Stearyl alcohol	
Chlorinated paraffins (C14-C17) (with 52% chlorine)	
Clay slurry	
Coal slurry	
Dextrose solution	
Diethanolamine	
Diethyl ether	1155
Diethylene glycol	
Diethylene glycol butyl ether	
Diethylene glycol diethyl ether	
Diethylene glycol ethyl ether	
Diethylenetriamine pentaacetic acid, pentasodium salt solution	
Diheptyl phthalate	
Dihexyl phthalate	
Diisooctyl phthalate	
Dioctyl phthalate	
Dipropylene glycol	
Dodecane (all isomers)	
Dodecyl benzene	
Dodecyl methacrylate	
Dodecyl/Pentadecyl methacrylate mixture	
Drilling brines:	
Calcium bromide solution	
Calcium chloride solution	
Sodium chloride solution	
Ethyl alcohol	1170
Ethylene carbonate	
Ethylene glycol butyl ether	2369
Ethylene glycol tert-butyl ether	
Ethylene-Vinyl acetate copolymer (emulsion)	
Fatty acid (saturated, C13 and above)	
Glucose solution	
Glycerine	
Glycerol polyalkoxylate	
Glyceryl triacetate	
Glycine, sodium salt solution	
Hexamethylene glycol	
Hexylene glycol	
Isobutyl alcohol	1212
Isopropyl acetate	1220
Isopropyl alcohol	1219
Kaolin slurry	

Substance	UN number
Lard	
Latex:	
Carboxylated styrene-Butadiene copolymer	
Styrene-butadiene rubber	
Lignin sulphonic acid, sodium salt solution	
Magnesium chloride solution	
Magnesium hydroxide slurry	
3-Methoxy-1-butanol	
Methyl acetate	1231
Methyl alcohol	1230
Methyl ethyl ketone	
2-Methyl-2-hydroxy-3-butyne	
3-Methyl-3-methoxy butanol	
3-Methyl-3-methoxy butyl acetate	
Molasses	
Octyl decyl adipate	
alpha-Olefins (C13-C18)	
Olefins (C13 and above, all isomers)	
n-Paraffins (C10-C20)	
Paraffin wax	
Petrolatum	
Polyaluminium chloride solution	
Polybutene	
Polyethylene glycol dimethyl ether	
Polyethylene glycols	
Polypropylene glycol methyl ether	
Polysiloxane	
n-Propyl alcohol	
Propylene glycol	
Propylene-butylene copolymer	
Sodium alumino silicate slurry	
Sodium chlorate solution (50% or less)	2428
Sorbitol solution	
Sulphur (molten)	2448
Tetraethylene glycol	
Tridecane	
Tridecanoic acid	
Triethylene glycol	
Triethylene glycol butyl ether	
Triisopropanolamine	
Tripropylene glycol	
Urea formaldehyde resin solution	
Urea solution	
Vegetable protein solution (hydrolyzed)	
Water	

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1989

Done at London 17 October 1989

Entered into force 18 February 1991

Primary source citation: Copy of text provided by International Maritime Organization

ANNEX

TEXT OF AMENDMENTS TO REGULATIONS OF ANNEX V OF MARPOL 73/78

(Regulation 5 — Disposal of Garbage within Special Areas "Designation of the North Sea as a Special Area" and Regulation 6 — Exceptions)

Regulation 5 — Disposal of Garbage within Special Areas

The introductory sentence was amended to read as follows:

"(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the 'Gulfs area' and the North Sea area which are defined as follows:"

New subparagraph (f) was added as follows:

"(f) The North Sea area means the North Sea proper, including seas therein the boundary between:

(i) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;

(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8′ N; and

(iii) the English Channel and its approaches eastwards of longitude 5° W and northward of latitude 40°30′N."

Regulation 6 — Exceptions

Paragraph (c) was amended to read as follows:

"(c) the accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss".

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1990

Done at London 16 March 1990

Not in force

Primary source citation: Copy of text provided by the International Maritime Organization

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (ANNEXES I AND II OF MARPOL 73/78)

ANNEX

AMENDMENTS TO ANNEXES I AND II OF MARPOL 73/78

1 MARPOL 73/78, ANNEX I

Regulation 1
Definitions

New definition is added as follows:

"(31) "Anniversary date" means the day and the month of each year which will correspond to the date of expiry of the International Oil Pollution Prevention Certificate."

Regulation 4
Surveys and Inspections

The existing title is replaced by the following:

"Surveys"

The existing text is replaced by the following:

"(1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) A renewal survey at intervals specified by the Administration, but not exceeding 5 years, except where regulation 8(2), 8(5), 8(6) or 8(7) of this Annex is applicable. The renewal survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with applicable requirements of this Annex.

(c) An intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the Certificate which shall take the place of one of the annual surveys specified in paragraph (1)(d) of this regulation. The intermediate survey shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation 5 or 6 of this Annex.

(d) An annual survey within 3 months before or after each anniversary date of the Certificate, including a general inspection of the structure, equipment, systems, fittings, arrangements and material referred to in paragraph (1)(a) of this regulation to ensure that they have been maintained in accordance with paragraph (4) of this regulation and that they remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation 5 or 6 of this Annex.

(e) An additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in paragraph (4) of this regulation, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this regulation in order to ensure that the applicable provisions of this Annex are complied with.

(3) (a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) An Administration nominating surveyors or recognizing organizations to conduct surveys as set forth in subparagraph (a) of this paragraph shall, as a minimum, empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship; and

(ii) carry out surveys, if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Protocol for the information of their officers.

(c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(d) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(4) (a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(b) After any survey of the ship under paragraph (1) of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

(c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made".

Regulation 5
Issue of Certificate

The existing heading is replaced by the following:

"Issue or Endorsement of Certificate"

The existing text is replaced by the following:

"(1) An International Oil Pollution Prevention Certificate shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued or endorsed either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

(3) Notwithstanding any other provisions of the amendments to this Annex adopted by the Marine Environment Protection Committee (MEPC) by resolution MEPC.39(29), any International Oil Pollution Prevention Certificate, which is current when these amendments enter into force, shall remain valid until it expires under the terms of this Annex prior to the amendments entering into force".

Regulation 6
Issue of Certificate by another Government

The existing heading is replaced by the following:

"Issue or Endorsement of a Certificate by another Government".

The existing text is replaced by the following:

"(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Oil Pollution Prevention Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under regulation 5 of this Annex.

(4) No International Oil Pollution Prevention Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party".

Regulation 7
Form of Certificate

The existing text is replaced by the following:

"The International Oil Pollution Prevention Certificate shall be drawn up in a form corresponding to the model given in appendix II to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages".

Regulation 8
Duration of Certificate

The existing heading is replaced by the following:

"Duration and Validity of Certificate".

The existing text is replaced by the following:

"(1) An International Oil Pollution Prevention Certificate shall be issued for a period specified by the Administration which shall not exceed 5 years.

(2) (a) Notwithstanding the requirements of paragraph (1) of this regulation, when the renewal survey is completed within 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing Certificate.

(b) When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing Certificate.

(c) When the renewal survey is completed more than 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey.

(3) If a Certificate is issued for a period of less than 5 years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph (1) of this regulation, provided that the surveys referred to in regulation 4(1)(c) and 4(1)(d) of this Annex applicable when a Certificate is issued for a period of 5 years are carried out as appropriate.

(4) If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed 5 months from the expiry date.

(5) If a ship at the time when a Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than 3 months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.

(6) A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.

(7) In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph (2)(b), (5) or (6) of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding 5 years from the date of completion of the renewal survey.

(8) If an annual or intermediate survey is completed before the period specified in regulation 4 of this Annex, then:

(a) the anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than 3 months later than the date on which the survey was completed;

(b) the subsequent annual or intermediate survey required by regulation 4 of this Annex shall be completed at the intervals prescribed by that regulation using the new anniversary date;

(c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 4 of this Annex are not exceeded.

(9) A Certificate issued under regulation 5 or 6 of this Annex shall cease to be valid in any of the following cases:

(a) if the relevant surveys are not completed within the periods specified under regulation 4(1) of this Annex;

(b) if the Certificate is not endorsed in accordance with regulation 4(1)(c) or 4(1)(d) of this Annex.

(c) Upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Government issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation 4(4)(a) and 4(4)(b) of this Annex. In the case of a transfer between Parties, if requested within 3 months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports".

Appendix II

FORM OF CERTIFICATE

The existing Form of Certificate is replaced by the following:

"INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(Note: This Certificate shall be supplemented by a Record of Construction and Equipment)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended by resolution MEPC.39(29), (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

by .....
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship [1/]

Name of ship .....
Distinctive number or letters .....
Port of registry .....
Gross tonnage .....
Deadweight of ship (metric tons) [2/]
.....
IMO Number [3/] .....

Type of ship [4/]:

Oil tanker

Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex I of the Convention.

Ship other than any of the above.

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with regulation 4 of Annex I of the Convention.

2 That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until ..... [5/] subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at .....
(Place of issue of Certificate)

....
(Date of issue) (Signature of authorized official issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that, at a survey required by regulation 4 of Annex I of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Annual survey:

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate [4] survey:

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate [4] survey:

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual survey:

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation 8(8)(c)

THIS IS TO CERTIFY that, at an annual/intermediate [4] survey in accordance with regulation 8(8)(c) of Annex I of the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the Certificate if valid for less than 5 years where regulation 8(3) applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8(3) of Annex I of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place .....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation 8(4) applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8(4) of Annex I of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where regulation 8(5) or 8(6) applies

This Certificate shall, in accordance with regulation 8(5) or 8(6) 4/ of Annex I of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation 8(8) applies

In accordance with regulation 8(8) of Annex I of the Convention, the new anniversary date is .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation 8(8) of Annex I of the Convention, the new anniversary date is .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)".

1/ Alternatively, the particulars of the ship may be placed horizontally in boxes.

2/ For oil tankers.

3/ In accordance with resolution A.600(15) - IMO Ship Identification Number Scheme, this information may be included voluntarily.

4/ Delete as appropriate.

5/ Insert the date of expiry as specified by the Administration in accordance with regulation 8(1) of Annex I of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 1(31) of Annex I of the Convention, unless amended in accordance with regulation 8(8) of Annex I of the Convention.

2 MARPOL 73/78, ANNEX II

Regulation 1
Definitions

New definition is added as follows:

"(14) "Anniversary date" means the day and the month of each year which will correspond to the date of expiry of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk".

Regulation 10
Surveys

The existing text is replaced by the following:

"(1) Ships carrying noxious liquid substances in bulk shall be subject to the surveys specified below:

(a) An initial survey before the ship is put in service or before the Certificate required under regulation 11 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) A renewal survey at intervals specified by the Administration, but not exceeding 5 years, except where regulation 12(2), 12(5), 12(6) or 12(7) of this Annex is applicable. The renewal survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with applicable requirements of this Annex.

(c) An intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the Certificate which shall take the place of one of the annual surveys specified in paragraph (1)(d) of this regulation. The intermediate survey shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation 11 of this Annex.

(d) An annual survey within 3 months before or after each anniversary date of the Certificate including a general inspection of the structure, equipment, systems, fittings, arrangements and material referred to in paragraph (1)(a) of this regulation to ensure that they have been maintained in accordance with paragraph (3) of this regulation and that they remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation 11 of this Annex.

(e) An additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in paragraph (3) of this regulation, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Annex.

(2) (a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) An Administration nominating surveyors or recognizing organizations to conduct surveys as set forth in subparagraph (a) of this paragraph shall, as a minimum, empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship; and

(ii) carry out surveys if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.

(c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate, or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(d) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(3) (a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(b) After any survey of the ship under paragraph (1) of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

(c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made."

Regulation 11
Issue of Certificate

The existing heading is replaced by the following:

"Issue or Endorsement of Certificate".

The existing text is replaced by the following:

"(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 10 of this Annex, to any ship carrying noxious liquid substances in bulk and which is engaged in voyages to ports or terminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

(3) (a) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Annex.

(b) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(c) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under paragraph (1) of this regulation.

(d) No International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

(4) The International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be drawn up in the form corresponding to the model given in appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

(5) Notwithstanding any other provisions of the amendments to this Annex adopted by the Marine Environment Protection Committee (MEPC) by resolution MEPC.39(29), any International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, which is current when these amendments enter into force, shall remain valid until it expires under the terms of this Annex prior to the amendments entering into force".

Regulation 12
Duration of Certificate

The existing heading is replaced by the following:

"Duration and Validity of Certificate".

The existing text is replaced by the following:

"(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued for a period specified by the Administration which shall not exceed 5 years.

(2) (a) Notwithstanding the requirements of paragraph (1) of this regulation, when the renewal survey is completed within 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing Certificate.

(b) When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing Certificate.

(c) When the renewal survey is completed more than 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey.

(3) If a Certificate is issued for a period of less than 5 years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph (1) of this regulation, provided that the surveys referred to in regulation 10(1)(c) and 10(1)(d) of this Annex applicable when a Certificate is issued for a period of 5 years are carried out as appropriate.

(4) If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed 5 months from the expiry date.

(5) If a ship at the time when a Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than 3 months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.

(6) A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.

(7) In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph (2)(b), (5) or (6) of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding 5 years from the date of completion of the renewal survey.

(8) If an annual or intermediate survey is completed before the period specified in regulation 10 of this Annex, then:

(a) the anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than 3 months later than the date on which the survey was completed;

(b) the subsequent annual or intermediate survey required by regulation 10 of this Annex shall be completed at the intervals prescribed by that regulation using the new anniversary date;

(c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 10 of this Annex are not exceeded.

(9) A Certificate issued under regulation 11 of this Annex shall cease to be valid in any of the following cases:

(a) if the relevant surveys are not completed within the periods specified under regulation 10(1) of this Annex;

(b) if the Certificate is not endorsed in accordance with regulation 10 (1)(c) or 10(1)(d) of this Annex;

(c) upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Government issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation 10(4)(a) and 10(4)(b) of this Annex. In the case of a transfer between Parties, if requested within 3 months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports".

Appendix V

FORM OF CERTIFICATE

The existing Form of Certificate is replaced by the following:

"INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended by resolution MEPC.39(29) (hereinafter referred to as "the Convention") under the authority of the Government of:

.....

(full designation of the country)

by .....

(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship [1/]

Name of ship .....
Distinctive number or letters .....
Port of registry .....
Gross tonnage .....
IMO Number [2/] .....

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with regulation 10 of Annex II of the Convention.

2 That the survey showed that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex II of the Convention.

3 That the ship has been provided with a Manual in accordance with the Standards for the Procedures and Arrangements as called for by regulations 5, 5A and 8 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the Manual are in all respects satisfactory and comply with the applicable requirements of the said Standards.

4 That the ship is suitable for the carriage in bulk of the following noxious liquid substances, provided that all relevant operational provisions of Annex II of the Convention are observed.

Noxious liquid substances	**Conditions of carriage (tank numbers etc.)**
Continued on additional signed and dated sheets [3/]	

This Certificate is valid until ..... [4/]
subject to surveys in accordance with regulation 10 of Annex II of the Convention.

Issued at .....

(Place of issue of Certificate)

....

(Date of issue) (Signature of authorized official issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that, at a survey required by regulation 10 of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Annual survey:

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate [3/] survey:

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate [3/] survey:

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual survey:

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation 12(8)(c)

THIS IS TO CERTIFY that, at an annual/intermediate [3/] survey in accordance with regulation 12(8)(c) of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the Certificate if valid for less than 5 years where regulation 12(3) applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 12(3) of Annex II of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation 12(4) applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 12(4) of Annex 11 of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where regulation 12(5) or 12(6) applies

This Certificate shall, in accordance with regulation 12(5) or 12(6) [3] of Annex II of the Convention, be accepted as valid until .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation 12(8) applies

In accordance with regulation 12(8) of Annex II of the Convention, the new anniversary date is .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation 12(8) of Annex II of the Convention, the new anniversary date is .....

Signed .....
(Signature of authorized official)

Place.....
Date .....

(Seal or stamp of the authority, as appropriate)".

1 / Alternatively, the particulars of the ship may be placed horizontally in boxes.

2 / In accordance with resolution A.600(15) - IMO Ship Identification Number Scheme, this information may be included voluntarily.

3 / Delete as appropriate.

4 / Insert the date of expiry as specified by the Administration in accordance with regulation 12(1) of Annex II of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 1(14) of Annex II of the Convention, unless amended in accordance with regulation 12(8) of Annex II of the Convention.

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1990

Done at London 16 November 1990

Entered into force 17 March 1992

Primary source citation: Copy of text provided by International Maritime Organization

ADOPTION OF AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 10 is amended to read as follows:

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while Operating in Special Areas

(1) For the purposes of this Annex, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area", the Gulf of Aden and the Antarctic area, which are defined as follows:

(a) – (f) No change.

(g) "The Antarctic area means the sea area south of 60° south latitude".

(2) Subject to the provisions of Regulation 11 of this Annex:

(a) Any discharge into the sea of oil or oily mixture from any oil tanker, or any ship of 400 tons gross tonnage and above other than an oil tanker, shall be prohibited, while in a special area. In respect of the Antarctic area, any discharge into the sea of oil or oily mixture from any ship shall be prohibited.

(b) Except as provided for in respect of the Antarctic area under paragraph 2(a) of this Regulation, any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker,

shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

(2)(b) (i), (ii), (iii) No change.

(3) – (7) No change.

(8) Notwithstanding paragraph (7) of this Regulation, the following rules apply to the Antarctic area:

(a) The Government of each Party to the Convention whose ports are used by ships departing en route to or arriving from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures from all ships, without causing undue delay, and according to the needs of the ships using them.

(b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area and have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 5 is amended to read as follows:

Regulation 5

Disposal of Garbage within Special Areas

(1) For the purposes of this Annex, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area", the North Sea area and the Antarctic area, which are defined as follows:

(a) – (f) No change.

(g) The Antarctic area means the sea area south of 60° south latitude.

(2) – (4) No change.

(5) Notwithstanding paragraph 4 of this Regulation, the following rules apply to the Antarctic area:

(a) The Government of each Party to the Convention whose ports are used by ships departing en route to or arriving from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.

(b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1991

Done at London 4 July 1991

Entered into force 4 April 1993

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDMENTS TO ANNEX I OF MARPOL 73/78

1 The seventh sentence of regulation 15(3)(a) is replaced with the following two sentences:

"A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable as soon as possible. The port State authority may allow the tanker with a defective unit to undertake one ballast voyage before proceeding to a repair port".

2 New paragraph (3) is added to regulation 17 as follows:

"(3) Piping to and from sludge tanks shall have no direct connection overboard, other than the standard discharge connection referred to in regulation 19".

3 The following new chapter IV is added to the existing text:

"CHAPTER IV - PREVENTION OF POLLUTION ARISING FROM AN OIL POLLUTION INCIDENT

Regulation 26

Shipboard Oil Pollution Emergency Plan

(1) Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration. In the case of ships built before 4 April 1993 this requirement shall apply 24 months after that date.

(2) Such a plan shall be in accordance with Guidelines* developed by the Organization and written in the working language of the master and officers. The plan shall consist at least of:

* Reference is made to "Guidelines for the development of the shipboard oil pollution emergency plans" to be developed by the Organization.

(a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in article 8 and Protocol I of the present Convention, based on the guidelines developed by the Organization**;

(b) the list of authorities or persons to be contacted in the event of an oil pollution incident;

(c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and

(d) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution".

Revised Forms of Supplements to the IOPP Certificate

Forms A and B of Supplements to the IOPP Certificate are replaced by those reproduced in the following pages.

FORM A
(Revised 1991)

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

in respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes:

1 This form is to be used for the third type of ships as categorized in the IOPP Certificate, i.e. "ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention, Form B shall be used.

2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3 If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.

4 Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (-) for the answers "no" and "not applicable" as appropriate.

5 Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

** Reference is made to "General principles for ship reporting system and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants" adopted by the Organization by resolution A.648(16).

1 PARTICULARS OF SHIP

1.1 Name of ship. . . . . .

1.2 Distinctive number or letters . . . . . .

1.3 Port of registry . . . . . .

1.4 Gross tonnage. . . . . .

1.5 Date of build:

1.5.1 Date of building contract . . . . . .

1.5.2 Date on which keel was laid or ship was at a similar stage of construction . . . . . .

1.5.3 Date of delivery . . . . . .

1.6 Major conversion (if applicable):

1.6.1 Date of conversion contract. . . . . .

1.6.2 Date on which conversion was commenced . . . . . .

1.6.3 Date of completion of conversion . . . . . .

1.7 Status of ship:

1.7.1 New ship in accordance with regulation 1(6) ☐

1.7.2 Existing ship in accordance with regulation 1(7) ☐

1.7.3 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforeseen delay in delivery ☐

2 EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of separating/filtering equipment fitted:

2.2.1 Oily-water separating equipment (100 ppm equipment) ☐

2.2.2 Oil filtering equipment (15 ppm equipment) ☐

2.3 Type of control system:

2.3.1 Discharge monitoring and control system (regulation 16(5))

.1 with automatic stopping device ☐

.2 with manual stopping device ☐

2.3.2 15 ppm alarm (regulation 16(7)) ☐

2.3.3 Automatic stopping device for discharges in special areas (regulation 10(3)(b)(vi)) ☐

2.3.4 Oil content meter (resolution A.444(XI))

.1 with recording device ☐

.2 without recording device ☐

2.4 Approval standards:

2.4.1 The separating/filtering equipment:

.1 has been approved in accordance with resolution A.393(X) ☐

.2 has been approved in accordance with resolution A.233(VII) ☐

.3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐

.4 has not been approved ☐

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is..... m^3/h

2.6 Waiver of regulation 16

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3) (a). The ship is engaged exclusively on:

.1 Voyages within special area(s): ..... ☐
.....
.....

.2 Voyages within 12 miles of the nearest land outside special area(s) restricted to: ..... ☐
.....
.....

2.6.2 The ship is fitted with holding tank(s) having a volume of .... m^3 for the total retention on board of all oily bilge water ☐

3 MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE) (regulation 17)

3.1 The ship is provided with oil residue (sludge) tanks as follows:

Tank identification	Tank	Location		Volume m^3
	Frames (from) - (to)	Lateral	Position	
				Total volume ..... m^3

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 incinerator for oil residues; ☐
capacity ..... l/h

3.2.2 auxiliary boiler suitable for burning oil residues ☐

3.2.3 tank for mixing oil residues with fuel oil; ☐
capacity ..... m^3

3.2.4 other acceptable means: ☐
.....

4 STANDARD DISCHARGE CONNECTION (regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19 ☐

5 SHIPBOARD OIL POLLUTION EMERGENCY PLAN (regulation 26)

5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐

6 EXEMPTION

6.1 Exemptions have been granted by the Administration from the requirements of chapter II of Annex I of the Convention in accordance with regulation 2(4) (a) on those items listed under paragraph(s) ..... ☐
.....
..... of this Record

7 EQUIVALENTS (regulation 3)

7.1 Equivalents have been approved by the Administration for certain requirements of Annex I listed under paragraph(s) ..... ☐
.....
..... of this Record

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....
(Place of issue of the Record)

..... 19.....

.....
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)

FORM B
(Revised 1991)

SUPPLEMENT TO INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

in respect of the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes:

1 This form is to be used for the first two types of ships as categorized in the IOPP Certificate, i.e. oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention. For the third type of ships as categorized in the IOPP Certificate, Form A shall be used.

2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3 If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.

4 Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (-) for the answers "no" and "not applicable" as appropriate.

5 Unless otherwise stated, regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 PARTICULARS OF SHIP

1.1 Name of ship.....

1.2 Distinctive number or letters .....

1.3 Port of registry .....

1.4 Gross tonnage.....

1.5 Carrying capacity of ship..... (m^3)

1.6 Deadweight of ship..... (metric tons) (regulation 1(22))

1.7 Length of ship..... (m) (regulation 1(18))

1.8 Date of build:

1.8.1 Date of building contract .....

1.8.2 Date on which keel was laid or ship was at a similar stage of construction .....

1.8.3 Date of delivery .....

1.9 Major conversion (if applicable):

1.9.1 Date of conversion contract .....

1.9.2 Date on which conversion was commenced .....

1.9.3 Date of completion of conversion .....

1.10 Status of ship:

1.10.1 New ship in accordance with regulation 1(6) ☐

1.10.2 Existing ship in accordance with regulation 1(7) ☐

1.10.3 New oil tanker in accordance with regulation 1(26) ☐

1.10.4 Existing oil tanker in accordance with regulation 1(27) ☐

1.10.5 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforeseen delay in delivery ☐

1.10.6 The ship has been accepted by the Administration as an "existing oil tanker" under regulation 1(27) due to unforeseen delay in delivery ☐

1.10.7 The ship is not required to comply with the provisions of regulation 24 due to the unforeseen delay in delivery ☐

1.11 Type of ship:

1.11.1 Crude oil tanker ☐

1.11.2 Product carrier ☐

1.11.3 Crude oil product carrier ☐

1.11.4 Combination carrier ☐

1.11.5 Ship, other than an oil tanker, with cargo tanks coming under regulation 2(2) of Annex I of the Convention ☐

1.11.6 Oil tanker dedicated to the carriage of products referred to in regulation 15(7) ☐

1.11.7 The ship, being designated as a "crude oil tanker" operating with COW, is also designated as a "product carrier" operating with CBT, for which a separate IOPP Certificate has also been issued ☐

1.11.8 The ship, being designated as a "product carrier" operating with CBT, is also designated as a "crude oil tanker" operating with COW, for which a separate IOPP Certificate has also been issued ☐

1.11.9 Chemical tanker carrying oil ☐

2 EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks

The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of separating/filtering equipment fitted:

2.2.1 Oily-water separating equipment (100 ppm equipment) ☐

2.2.2 Oil filtering equipment (15 ppm equipment) ☐

2.3 Type of control system

2.3.1 Discharge monitoring and control system (regulation 16(5))

.1 with automatic stopping device ☐

.2 with manual stopping device ☐

2.3.2 15 ppm alarm (regulation 16(7)) ☐

2.3.3 Automatic stopping device for discharges in special areas (regulation 10(3)(b)(vi)) ☐

2.3.4 Oil content meter (resolution A.444(XI)) ☐

.1 with recording device ☐

.2 without recording device ☐

2.4 Approval standards:

2.4.1 The separating/filtering system:

.1 has been approved in accordance with resolution A.393(X) ☐

.2 has been approved in accordance with resolution A.233(VII) ☐

.3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐

.4 has not been approved ☐

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is ..... m^3/h

2.6 Waiver of regulation 16 ☐

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3) (a). The ship is engaged exclusively on:

.1 Voyages within special area(s): ..... ☐
.....
.....

.2 Voyages within 12 miles of the nearest land outside special area(s) restricted to: ..... ☐
.....
.....

2.6.2 The ship is fitted with holding tank(s) having a volume of..... m^3 for the total retention on board of all oily bilge water ☐

2.6.3 In lieu of the holding tank the ship is provided with arrangements to transfer bilge water to the slop tank ☐

3 MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE) (regulation 17)

3.1 The ship is provided with oil residue (sludge) tanks as follows:

Tank identification	Tank	Location		Volume m^3
	Frames (from) - (to)	Lateral	Position	
				Total volume ..... m^3

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 incinerator for oil residues; ☐
capacity ..... l/h

3.2.2 auxilliary boiler suitable for burning oil residues ☐

3.2.3 tank for mixing oil residues with fuel oil; ☐
capacity ..... m^3

3.2.4 other acceptable means: ☐
.....

4 STANDARD DISCHARGE CONNECTION (regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with regulation 19 ☐

5 CONSTRUCTION (regulations 13, 24 and 25)

5.1 In accordance with the requirements of regulation 13, the ship is

5.1.1 Required to be provided with SBT, PL and COW ☐

5.1.2 Required to be provided with SBT and PL ☐

5.1.3 Required to be provided with SBT ☐

5.1.4 Required to be provided with SBT or COW ☐

5.1.5 Required to be provided with SBT or CBT ☐

5.1.6 Not required to comply with the requirements of regulation 13 ☐

5.2 Segregated ballast tanks (SBT)

5.2.1 The ship is provided with SBT in compliance with regulation 13 ☐

5.2.2 The ship is provided with SBT, in compliance with regulation 13, which are arranged in protective locations (PL) in compliance with regulation 13E ☐

5.2.3 SBT are distributed as follows:

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total	

5.3 Dedicated clean ballast tanks (CBT)

5.3.1 The ship is provided with CBT in compliance with regulation 13A, and may operate as a product carrier ☐

5.3.2 CBT are distributed as follows:

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total	

5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated..... ☐

5.3.4 The ship has common piping and pump arrangements for ballasting the CBT and handling cargo oil ☐

5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT ☐

5.4 Crude oil washing (COW)

5.4.1 The ship is equipped with a COW system in compliance with regulation 13B ☐

5.4.2 The ship is equipped with a COW system in compliance with regulation 13B except that the effectiveness of the system has not been confirmed in accordance with regulation 13(6) and paragraph 4.2.10 of the Revised COW specifications (resolution A.446(XI)) ☐

5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated ..... ☐

5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of Revised COW Specifications (resolution A.446(XI)) ☐

5.5 Exemption from regulation 13:

5.5.1 The ship is solely engaged in trade between ☐

.....

in accordance with regulation 13C and is therefore exempted from the requirements of regulation 13

5.5.2 The ship is operating with special ballast arrangements in accordance with regulation 13D and is therefore exempted from the requirements of regulation 13 ☐

5.6 Limitation of size and arrangements of cargo tanks (regulation 24)

5.6.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 24 ☐

5.6.2 The ship is required to be constructed according to, and complies with, the requirements of regulation 24(4) (see regulation 2(2)) ☐

5.7 Subdivision and stability (regulation 25)

5.7.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 25 ☐

5.7.2 Information and data required under regulation 25(5) have been supplied to the ship in an approved form ☐

6 RETENTION OF OIL ON BOARD (regulation 15)

6.1 Oil discharge monitoring and control system

6.1.1 The ship comes under category ..... oil tanker as defined in resolution A.496(XII) or A.586(14)* (delete as appropriate)

Footnote: *Oil tankers the keels of which are laid, or which are at a similar stage of construction, on or after 2 October 1986 should be fitted with a system approved under resolution A.586(14)

6.1.2 The system comprises:

.1 control unit ☐

.2 computing unit ☐

.3 calculating unit ☐

6.1.3 The system is:

.1 fitted with a starting interlock ☐

.2 fitted with automatic stopping device ☐

6.1.4 The oil content meter is approved under the terms of resolution A.393(X) or A.586(14) (delete as appropriate) suitable for:

.1 crude oil ☐

.2 black products ☐

.3 white products ☐

.4 oil-like noxious liquid substances as listed in the attachment to the Certificate ☐

6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system ☐

6.2 Slop tanks

6.2.1 The ship is provided with ..... dedicated slop tank(s) with the total capacity of ..... m^3. which is..... % of the oil carrying capacity, in accordance with:

.1 regulation 15(2)(c) ☐

.2 regulation 15(2)(c)(i) ☐

.3 regulation 15(2)(c)(ii) ☐

.4 regulation 15(2)(c)(iii) ☐

6.2.2 Cargo tanks have been designated as slop tanks ☐

6.3 Oil/water interface detectors

6.3.1 The ship is provided with oil/water interface detectors approved under the terms of resolution MEPC.5(XIII) ☐

6.4 Exemptions from regulation 15

6.4.1 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 15(7) ☐

6.4.2 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 2(2) ☐

6.5 Waiver of regulation 15

6.5.1 The requirements of regulation 15(3) are waived in respect of the ship in accordance with regulation 15(5)(b). The ship is engaged exclusively on:

.1 Specific trade under regulation 13C:..... ☐
.....
.....

.2 Voyages within special area(s): ..... ☐
.....
.....

.3 Voyages within 50 miles of the nearest land outside special area(s) of 72 hours or less in duration restricted to:..... ☐
.....
.....

7 PUMPING, PIPING AND DISCHARGE ARRANGEMENTS (regulation 18)

7.1 The overboard discharge outlets for segregated ballast are located:

7.1.1 above the waterline ☐

7.1.2 below the waterline ☐

7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located:*

* Only those outlets which can be monitored are to be indicated.

7.2.1 above the waterline ☐

7.2.2 below the waterline ☐

7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast water or oil contaminated water from cargo tank areas are located*:

* Only those outlets which can be monitored are to be indicated.

7.3.1 above the waterline ☐

7.3.2 below the waterline in conjunction with the part flow arrangements in compliance with regulation 18(6)(e) ☐ ☐

7.3.3 below the waterline ☐

7.4 Discharge of oil from cargo pumps and oil lines (regulation 18(4) and (5))

7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge

.1 drainings capable of being discharged to a cargo tank or slop tank ☐

.2 for discharge ashore a special small diameter line is provided ☐

8 SHIPBOARD OIL POLLUTION EMERGENCY PLAN (regulation 26)

8.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐

9 EQUIVALENT ARRANGEMENTS FOR CHEMICAL TANKERS CARRYING OIL

9.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment in lieu of slop tanks (paragraph 6.2 above) and oil/water interface detectors (paragraph 6.3 above):

9.1.1 oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity of ..... m^3/h ☐

9.1.2 a holding tank with the capacity of ..... m^3 ☐

9.1.3 a tank for collecting tank washing which is:

.1 a dedicated tank ☐

.2 a cargo tank designated as a collecting tank ☐

9.1.4 a permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment ☐

9.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X) and is suitable for the full range of Annex I products ☐

9.3 The ship holds a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk. ☐

10 OIL-LIKE NOXIOUS LIQUID SUBSTANCES

The ship is permitted in accordance with regulation 14 of Annex II of the Convention to carry the oil-like noxious liquid substances specified in the list* attached. ☐

* The list of oil-like noxious substances permitted for carriage, signed, dated and certified by a seal or a stamp of the issuing authority shall be attached.

11 EXEMPTION

Exemptions have been granted by the Administration from the requirements of chapters II and III of Annex I of the Convention in accordance with regulation 2(4) (a) on those items listed under paragraph(s) . . . . . ☐
. . . . . of this Record

12 EQUIVALENTS (regulation 3)

Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) . . . . . ☐
. . . . . of this Record

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.....
(Place of issue of the Record)

..... 19.....

.....
(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)

Appendix III of Annex I of MARPOL 73/78 is replaced by the following:

"Appendix III

FORM OF OIL RECORD BOOK

OIL RECORD BOOK

Part I -Machinery space operations

(All ships)

Name of ship:

Distinctive number
or letters:

Gross tonnage:

Period from: to:

Note: Oil Record Book Part I shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo ballast operations.

INTRODUCTION

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

LIST OF ITEMS TO BE RECORDED

(A) BALLASTING OR CLEANING OF OIL FUEL TANKS

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
   - .1 position of ship and time at the start and completion of cleaning;
   - .2 identify tank(s) in which one or another method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
   - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting:
   - .1 position of ship and time at start and end of ballasting;
   - .2 quantity of ballast if tanks are not cleaned;
   - .3 position of ship at start of cleaning;
   - .4 position of ship at start of ballasting.

(B) DISCHARGE OF DIRTY BALLAST OR CLEANING WATER FROM OIL FUEL TANKS REFERRED TO UNDER SECTION (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:

.1 through 100 ppm equipment;

.2 through 15 ppm equipment;

.3 to reception facilities.

10. Quantity discharged.

(C) COLLECTION AND DISPOSAL OF OIL RESIDUES (SLUDGE)

11. Collection of oil residues

Quantity of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly[1]:

.1 separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable:

- identity of tank(s) .....
- capacity of tank(s) ..... m^3
- total quantity of retention. ..... m^3;

.2 other residues (such as oil residues resulting from drainages, leakages, exhausted oil, etc., in the machinery spaces), if applicable due to tank arrangement in addition to .1:

- identity of tank(s) .....
- capacity of tank(s) ..... m^3
- total quantity of retention. ..... m^3.

12. Methods of disposal of residue

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained:

.1 to reception facilities (identify port)[2];

.2 transferred to another (other) tank(s) (indicate tank(s) and the total content of tank(s));

.3 incinerated (indicate total time of operation);

.4 other method (state which).

(D) NON-AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES

13. Quantity discharged or disposed of.

14. Time of discharge or disposal (start and stop).

15. Method of discharge or disposal:

1/ Only in tanks listed in item 3 of Form A and B of the Supplement to the IOPP Certificate.

2/ Ships' masters should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washing, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

.1 through 100 ppm equipment (state position at start and end);

.2 through 15 ppm equipment (state position at start and end);

.3 to reception facilities (identify port)[2];

.4 transfer to slop tank or holding tank (indicate tank(s); state quantity transferred and the total quantity retained in tank(s)).

(E) AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES

16. Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard.

17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).

18. Time when the system has been put to manual operation.

19. Method of discharge overboard:

.1 through 100 ppm equipment;

.2 through 15 ppm equipment.

(F) CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM

20. Time of system failure.

21. Time when system has been made operational.

22. Reasons for failure.

(G) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL

23. Time of occurrence.

24. Place or position of ship at time of occurrence.

25. Approximate quantity and type of oil.

26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) BUNKERING OF FUEL OR BULK LUBRICATING OIL

27. Bunkering

.1 Place of bunkering.

.2 Time of bunkering.

.3 Type and quantity of fuel oil and identity of tank(s) (state quantity added and total quantity of tank(s)).

.4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added and total content of tank(s)).

[2] Ships' masters should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(I) ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS

NAME OF SHIP . . . . . .

DISTINCTIVE NUMBER
OR LETTERS . . . . . .

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE
OPERATIONS (ALL SHIPS)*

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

*Delete as appropriate

Signature of master . . . . . .

OIL RECORD BOOK

Part II Cargo/ballast operations

(Oil tankers)

Name of ship:

Distinctive number
or letters:

Gross tonnage:

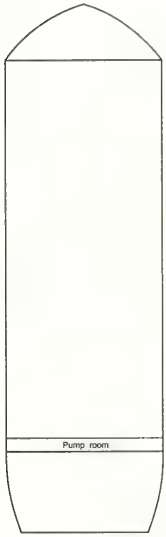
Period from: to:

Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

NAME OF SHIP . . . . . .

DISTINCTIVE NUMBER
OR LETTERS . . . . . .

PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)



Identification of the tanks	Capacity
Depth of slop tank(s):	

(Give the capacity of each tank and the depth of slop tank(s)).

OIL RECORD BOOK - PART II

INTRODUCTION

The following pages of this section show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a code letter.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be countersigned by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent Port State authority*.

* This sentence should only be inserted for the Oil Record Book of a tanker engaged in a specific trade.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

LIST OF ITEMS TO BE RECORDED

(A) LOADING OF OIL CARGO

1. Place of loading.

2. Type of oil loaded and identity of tank(s).

3. Total quantity of oil loaded (state quantity added and the total content of tank(s)).

(B) INTERNAL TRANSFER OF OIL CARGO DURING VOYAGE

4. Identity of the tank(s)

.1 From:

.2 To: (state quantity transferred and total quantity of tank(s)).

5. Was (were) the tank(s) in 4.1 emptied? (If not, state the quantity retained)

(C) UNLOADING OF OIL CARGO

6. Place of unloading.

7. Identity of tank(s) unloaded.

8. Was (were) the tank(s) emptied? (If not, state quantity retained)

(D) CRUDE OIL WASHING (COW TANKERS ONLY)
(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.

10. Identity of tank(s) washed[1/].

11. Number of machines in use.

12. Time of start of washing.

13. Washing pattern employed[2/].

14. Washing line pressure.

15. Time washing was completed or stopped.

16. State method of establishing that tank(s) was (were) dry.

1/ When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No.2 centre, forward section.

2/ In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

17. Remarks[3].

(E) BALLASTING OF CARGO TANKS

18. Position of ship at start and end of ballasting.

19. Ballasting process:

.1 identity of tank(s) ballasted;

.2 time of start and end;

.3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(F) BALLASTING OF DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)

20. Identity of tank(s) ballasted.

21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).

22. Position of ship when pump(s) and lines were flushed to slop tank.

23. Quantity of the oily water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminarily stored (identify tank(s)). State the total quantity.

24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).

25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.

26. Quantity of clean ballast taken on board.

(G) CLEANING OF CARGO TANKS

27. Identity of tank(s) cleaned.

28. Port or ship's position.

29. Duration of cleaning.

30. Method of cleaning[4].

31. Tank washings transferred to:

.1 reception facilities (state port and quantity)[5];

.2 slop tank(s) or cargo tank(s) designated as slop tank(s) (identify tank(s); state quantity transferred and total quantity).

---

[3] If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

[4] Hand-hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

[5] Ships' masters should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(H) DISCHARGE OF DIRTY BALLAST

32. Identity of tank(s).

33. Position of ship at start of discharge into the sea.

34. Position of ship on completion of discharge into the sea.

35. Quantity discharged into the sea.

36. Ship's speed(s) during discharge.

37. Was the discharge monitoring and control system in operation during the discharge?

38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s). State total quantity).

40. Discharged to shore reception facilities (identify port and quantity involved)[5/]

(I) DISCHARGE OF WATER FROM SLOP TANKS INTO THE SEA

41. Identity of slop tank(s).

42. Time of settling from last entry of residues; or

43. Time of settling from last discharge.

44. Time and position of ship at start of discharge.

45. Ullage of total contents at start of discharge.

46. Ullage of oil/water interface at start of discharge.

47. Bulk quantity discharged and rate of discharge.

48. Final quantity discharged and rate of discharge.

49. Time and position of ship on completion of discharge.

50. Was the discharge monitoring and control system in operation during the discharge?

51. Ullage of oil/water interface on completion of discharge.

52. Ship's speed(s) during discharge.

53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

[5/] Ships' masters should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(J) DISPOSAL OF RESIDUES AND OILY MIXTURES NOT OTHERWISE DEALT WITH

55. Identity of tank(s).

56. Quantity disposed of from each tank. (State the quantity retained.)

57. Method of the disposal:

.1 to reception facilities (identify port and quantity involved)[6/];

.2 mixed with cargo (state quantity);

.3 transferred to (an)other tank(s): identify tank(s); state quantity transferred and total quantity in tank(s);

.4 other method (state which); state quantity disposed of.

58. Position of ship at start of discharge of clean ballast.

59. Identity of tank(s) discharged.

60. Was (were) the tank(s) empty on completion?

61. Position of ship on completion if different from 58.

62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) DISCHARGE OF BALLAST PROM DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)

63. Identity of tank(s) discharged.

64. Time and position of ship at start of discharge of clean ballast into the sea.

65. Time and position of ship on completion of discharge into the sea.

66. Quantity discharged:

.1 into the sea; or

.2 to reception facility (identify port).

67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?

68. Was the discharge monitored by an oil content meter?

69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM

70. Time of system failure.

6/ Ships' masters should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

71. Time when system has been made operational.

72. Reasons for failure.

(N) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL

73. Time of occurrence.

74. Port or ship's position at time of occurrence.

75. Approximate quantity and type of oil.

76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS
TANKERS ENGAGED IN SPECIFIC TRADES

(P) LOADING OF BALLAST WATER

77. Identity of tank(s) ballasted.

78. Position of ship when ballasted.

79. Total quantity of ballast loaded in cubic metres.

80. Remarks.

(Q) RE-ALLOCATION OF BALLAST WATER WITHIN THE SHIP

81. Reasons for re-allocation.

(R) BALLAST WATER DISCHARGE TO RECEPTION FACILITY

82. Port(s) where ballast water was discharged.

83. Name or designation of reception facility.

84. Total quantity of ballast water discharged in cubic metres.

85. Date, signature and stamp of port authority official.

NAME OF SHIP . . . . . .

DISTINCTIVE NUMBER
OR LETTERS . . . . . .

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE
OPERATIONS (ALL SHIPS)

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

*Delete as appropriate

Signature of master . . . . . "

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1991

Done at London 4 July 1991

Entered into force 4 April 1993

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDMENTS TO REGULATION 5 OF ANNEX V OF MARPOL 73/78 (DESIGNATION OF THE WIDER CARIBBEAN AREA AS A SPECIAL AREA)

Regulation 5 - Disposal of Garbage within Special Areas

The introductory sentence in paragraph (1) is amended to read as follows:

"(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the 'Gulfs area', the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:"

New subparagraph (h) is added to paragraph (1) as follows:

"(h) The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30°N parallel from Florida eastward to 77°30′W meridian, thence a rhumb line to the intersection of 20°N parallel and 59°W meridian, thence a rhumb line to the intersection of 7°20′N parallel and 50°W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana."

New subparagraph (b) of paragraph (2) is amended to read as follows:

"(b) except as provided in subparagraph (c) of this paragraph, disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land,"

New subparagraph (c) is added to paragraph (2) as follows:

"(c) disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not subject to regulation 4 not less than 3 nautical miles from the nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres."

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1992

Done at London 6 March 1992

*Entered into force 6 July 1993**

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDMENTS TO ANNEX I OF MARPOL 73/78

Regulation 1

Definitions

The following new paragraph (8)(c) is inserted after the existing paragraph (8)(b):

"(c) Notwithstanding the provisions of subparagraph (a) of this paragraph, conversion of an existing oil tanker to meet the requirements of regulation 13F or 13G of this Annex shall not be deemed to constitute a major conversion for the purpose of this Annex."

New regulations 13F and 13G

The following new regulations 13F and 13G are inserted after the existing regulation 13E:

REGULATION 13F OF ANNEX I OF MARPOL 73/78

Prevention of oil pollution in the event of collision or stranding

(1) This regulation shall apply to oil tankers of 600 tons deadweight and above:

(a) for which the building contract is placed on or after 6 July 1993, or

(b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 6 January 1994, or

* These Amendments are not in force for the United States.

(c) the delivery of which is on or after 6 July 1996, or

(d) which have undergone a major conversion:

(i) for which the contract is placed after 6 July 1993; or

(ii) in the absence of a contract, the construction work of which is begun after 6 January 1994; or

(iii) which is completed after 6 July 1996.

(2) Every oil tanker of 5,000 tons deadweight and above shall:

(a) in lieu of regulation 13E, as applicable, comply with the requirements of paragraph (3) unless it is subject to the provisions of paragraphs (4) and (5); and

(b) comply, if applicable, with the requirements of paragraph (6).

(3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks as follows:

(a) Wing tanks or spaces

Wing tanks or spaces shall extend either for the full depth of the ship's side or from the top of the double bottom to the uppermost deck, disregarding a rounded gunwale where fitted. They shall be arranged such that the cargo tanks are located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in figure 1, is measured at any cross-section at right angles to the side shell, as specified below:

$w = 0.5 + \frac{DW}{20,000}$ (m) or

w = 2.0 m, whichever is the lesser.

The minimum value of w = 1.0 m.

(b) Double bottom tanks or spaces

At any cross-section the depth of each double bottom tank or space shall be such that the distance h between the bottom of the cargo tanks and the moulded line of the bottom shell plating measured at right angles to the bottom shell plating as shown in figure 1 is not less than specified below:

h = B/15 (m) or

h = 2.0 m, whichever is the lesser.

The minimum value of h = 1.0 m.

(c) Turn of the bilge area or at locations without a clearly defined turn of the bilge

When the distances h and w are different, the distance w shall have preference at levels exceeding 1.5 h above the baseline as shown in figure 1.

(d) The aggregate capacity of ballast tanks

On crude oil tankers of 20,000 tons deadweight and above and product carriers of 30,000 tons deadweight and above, the aggregate capacity of wing tanks, double bottom tanks, forepeak tanks and afterpeak tanks shall not be less than the capacity of segregated ballast tanks necessary to meet the requirements of regulation 13. Wing tanks or spaces and double bottom tanks used to meet the requirements of regulation 13 shall be located as uniformly as practicable along the cargo tank length. Additional segregated ballast capacity provided for reducing longitudinal hull girder bending stress, trim, etc., may be located anywhere within the ship.

(e) Suction wells in cargo tanks

Suction wells in cargo tanks may protrude into the double bottom below the boundary line defined by the distance h provided that such wells are as small as practicable and the distance between the well bottom and bottom shell plating is not less than 0.5 h.

(f) Ballast and cargo piping

Ballast piping and other piping such as sounding and vent piping to ballast tanks shall not pass through cargo tanks. Cargo piping and similar piping to cargo tanks shall not pass through ballast tanks. Exemptions to this requirement may be granted for short lengths of piping, provided that they are completely welded or equivalent.

(4) (a) Double bottom tanks or spaces as required by paragraph (3)(b) may be dispensed with, provided that the design of the tanker is such that the cargo and vapour pressure exerted on the bottom shell plating forming a single boundary between the cargo and the sea does not exceed the external hydrostatic water pressure, as expressed by the following formula:

$$f \cdot h_c \cdot \rho_c \cdot g + 100\Delta p \leq d_n \cdot \rho_s \cdot g$$

where:

h_c = height of cargo in contact with the bottom shell plating in metres

ρ_c = maximum cargo density in t/m^3

d_n = minimum operating draught under any expected loading condition in metres

ρ_s = density of sea water in t/m^3

Δ_p = maximum set pressure of pressure/vacuum valve provided for the cargo tank in bars

f = safety factor = 1.1

g = standard acceleration of gravity (9.81 m/s^2).

(b) Any horizontal partition necessary to fulfil the above requirements shall be located at a height of not less than B/6 or 6 metres, whichever is the lesser, but not more than 0.6D, above the baseline where D is the moulded depth amidships.

(c) The location of wing tanks or spaces shall be as defined in paragraph (3) (a) except that, below a level 1.5 h above the baseline where h is as defined in paragraph (3)(b), the cargo tank boundary line may be vertical down to the bottom plating, as shown in figure 2.

(5) Other methods of design and construction of oil tankers may also be accepted as alternatives to the requirements prescribed in paragraph (3), provided that such methods ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved in principle by the Marine Environment Protection Committee based on guidelines developed by the Organization.

(6) For oil tankers of 20,000 tons deadweight and above the damage assumptions prescribed in regulation 25(2)(b) shall be supplemented by the following assumed bottom raking damage:

(a) longitudinal extent:

(i) ships of 75,000 tons deadweight and above:

0.6 L measured from the forward perpendicular

(ii) ships of less than 75,000 tons deadweight:

0.4 L measured from the forward perpendicular

(b) transverse extent: B/3 anywhere in the bottom

(c) vertical extent: breach of the outer hull.

(7) Oil tankers of less than 5,000 tons deadweight shall:

(a) at least be fitted with double bottom tanks or spaces having such a depth that the distance h specified in paragraph (3)(b) complies with the following:

h = B/15 (m) with a minimum value of h = 0.76 m;

in the turn of the bilge area and at locations without a clearly defined turn of the bilge, the cargo tank boundary line shall run parallel to the line of the mid-ship flat bottom as shown in figure 3; and

(b) be provided with cargo tanks so arranged that the capacity of each cargo tank does not exceed 700 m^3 unless wing tanks or spaces are arranged in accordance with paragraph (3)(a) complying with the following:

$$w = 0.4 + \frac{2.4\ DW}{20{,}000}\ (m)$$

with a minimum value of w = 0.76 m.

(8) Oil shall not be carried in any space extending forward of a collision bulkhead located in accordance with regulation II-1/11 of the International Convention for the Safety of Life at Sea, 1974, as amended. An oil tanker that is not required to have a collision bulkhead in accordance with that regulation shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead located in accordance with that regulation.

(9) In approving the design and construction of oil tankers to be built in accordance with the provisions of this regulation, Administrations shall have due regard to the general safety aspects including the need for the maintenance and inspections of wing and double bottom tanks or spaces.

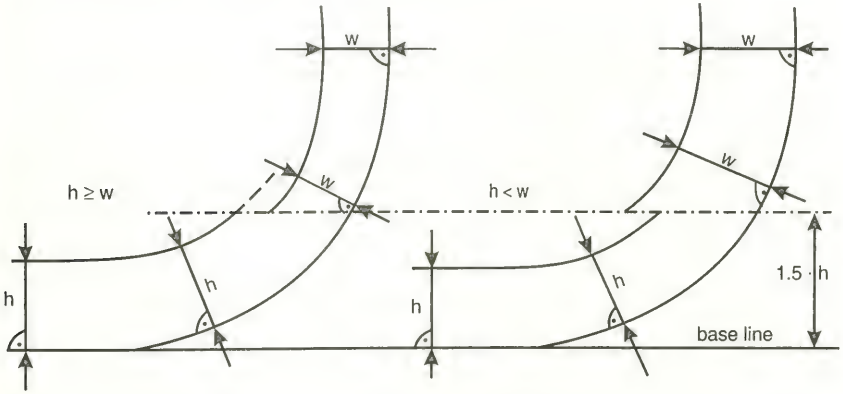


Figure 1

Cargo tank boundary lines for the purpose of paragraph (3)

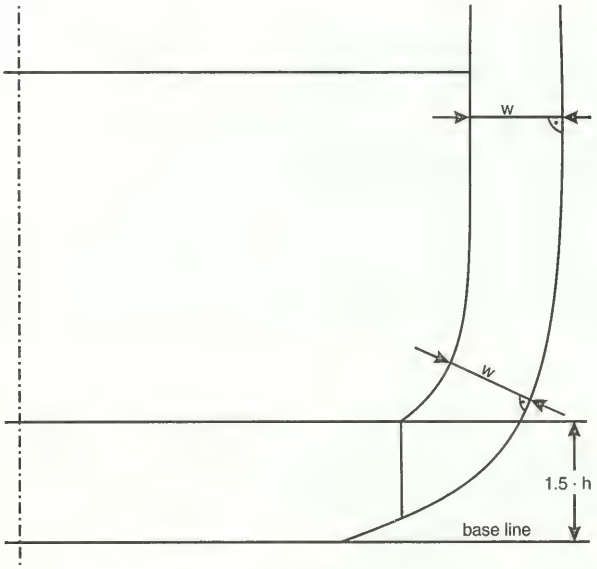


Figure 2

Cargo tank boundary lines for the purpose of paragraph (4)

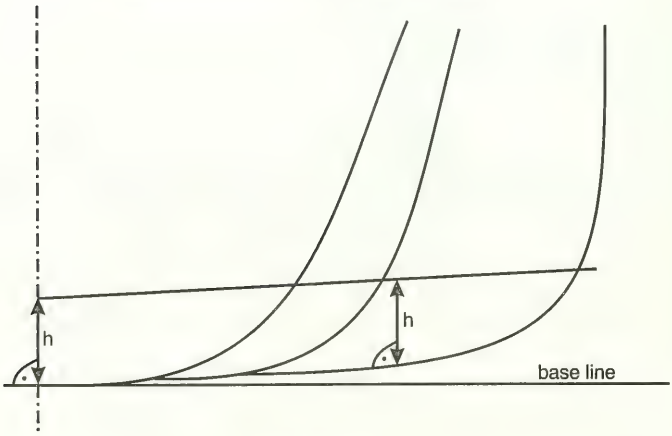


Figure 3

Cargo tank boundary lines for the purpose of paragraph (7)

REGULATION 13G OF ANNEX I OF MARPOL 73/78

Prevention of oil pollution in the event of collision or stranding
Measures for existing tankers

(1) This regulation shall:

(a) apply to crude oil tankers of 20,000 tons deadweight and above and to product carriers of 30,000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this Annex; and

(b) not apply to oil tankers complying with regulation 13F of this Annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in regulation 13F(1) of this Annex; and

(c) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection shall comply with regulation 13E(4)(b) of this Annex.

(2) The requirements of this regulation shall take effect as from 6 July 1995.

(3) (a) An oil tanker to which this regulation applies shall be subject to an enhanced programme of inspections during periodical, intermediate and annual surveys, the scope and frequency of which shall at least comply with the guidelines developed by the Organization.

(b) An oil tanker over five years of age to which this regulation applies shall have on board, available to the competent authority of any Government of a State Party to the present Convention, a complete file of the survey reports, including the results of all scantling measurement required, as well as the statement of structural work carried out.

(c) This file shall be accompanied by a condition evaluation report, containing conclusions on the structural condition of the ship and its residual scantlings, endorsed to indicate that it has been accepted by or on behalf of the flag Administration. This file and condition evaluation report shall be prepared in a standard forest as contained in the guidelines developed by the Organization.

(4) An oil tanker not meeting the requirements of a new oil tanker as defined in regulation 1(26) of this Annex shall comply with the requirements of regulation 13F of this Annex not later than 25 years after its date of delivery, unless wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of regulation 13E(4), cover at least 30% of L_t for the full depth of the ship on each side or at least 30% of the projected bottom shell area ΣPA_s within the length L_t, where L_t and the projected bottom shell area ΣPA_s are as defined in regulation 13E(2), in which case compliance with regulation 13F is required not later than 30 years after its date of delivery.

(5) An oil tanker meeting the requirements of a new oil tanker as defined in regulation 1(26) of this Annex shall comply with the requirements of regulation 13F of this Annex not later than 30 years after its date of delivery.

(6) Any new ballast and load conditions resulting from the application of paragraph (4) of this regulation shall be subject to approval of the Administration which shall have regard, in particular, to longitudinal and local strength, intact stability and, if applicable, damage stability.

(7) Other structural or operational arrangements such as hydrostatically balanced loading may be accepted as alternatives to the requirements prescribed in paragraph (4), provided that such alternatives ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved by the Administration based on guidelines developed by the Organization.

Regulation 24(4)

Limitation of size and arrangement of cargo tanks

The existing text of paragraph (4) is replaced by the following:

"(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) Where no longitudinal bulkhead is provided inside the cargo tanks:

$$(0.5\,\frac{bi}{B} + 0.1)\,L$$

but not to exceed 0.2 L

(b) Where a centreline longitudinal bulkhead is provided inside the cargo tanks:

$$(0.25\,\frac{bi}{B} + 0.15)\,L$$

(c) Where two or more longitudinal bulkheads are provided inside the cargo tanks:

(i) for wing cargo tanks:

0.2 L

(ii) for centre cargo tanks:

(1) if $\frac{bi}{B}$ is equal or greater than one fifth:
0.2 L

(2) if $\frac{bi}{B}$ is less than one fifth:

– Where no centreline longitudinal bulkhead is provided:

$$(0.5\,\frac{bi}{B} + 0.1)\,L$$

– Where a centreline longitudinal bulkhead is provided:

$$(0.25\,\frac{bi}{B} + 0.15)\,L$$

(d) "bi" is the minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question measured inboard at right angles to the centreline at the level corresponding to the assigned summer freeboard."

AMENDMENTS TO THE RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS (FORM B)

The following new paragraph 5.8 is inserted after the existing paragraph 5.7:

"5.8 Double hull construction

5.8.1 The ship is required to be constructed according to regulation 13F and complies with the requirements of:

.1 paragraph (3) (double hull construction) ▱

.2 paragraph (4) (mid-height deck tankers with double side construction) ☐

.3 paragraph (5) (alternative method approved by the Marine Environment Protection Committee) ☐

5.8.2 The ship is required to be constructed according to and complies with the requirements of regulation 13F(7) (double bottom requirements) ☐

5.8.3 The ship is not required to comply with the requirements of regulation 13F ☐

5.8.4 The ship is subject to regulation 13G and:

.1 is required to comply with regulation 13F not later than..... ☐

.2 is so arranged that the following tanks or spaces are not used for the carriage of oil .... ☐

5.8.5 The ship is not subject to regulation 13G ☐"

Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1992

Done at London 6 March 1992

Entered into force 6 July 1993

Primary source citation: Copy of text provided by the U.S. Department of State

AMENDMENTS TO ANNEX I OF MARPOL 73/78

The regulations of Annex I are amended as follows:

1 Regulation 9

.1 The existing text of paragraph (1)(a)(iv) is replaced by the following:

"(iv) The instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile".

.2 The existing text of paragraph (1)(b) is replaced by the following:

"(b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:

(i) the ship is not within a special area;

(ii) the ship is proceeding en route;

(iii) the oil content of the effluent without dilution does not exceed 15 parts per million; and

(iv) the ship has in operation equipment as required by regulation 16 of this Annex."

.3 Paragraph (4) is amended by deleting the entire second sentence, including subitems (a) – (d).

.4 A new paragraph (7) is added as follows:

"(7) In the case of a ship, referred to in regulation 16(6) of this Annex, not fitted with equipment as required by regulation 16(1) or 16(2) of this Annex, the provisions of paragraph 1(b) of this regulation will not apply until 6 July 1998 or the date on which the ship is fitted with such equipment, whichever is the earlier. Until this date any discharge from machinery space bilges

into the sea of oil or oily mixtures from such a ship shall be prohibited except when all the following conditions are satisfied:

(a) the oily mixture does not originate from the cargo pump-room bilges;

(b) the oily mixture is not mixed with oil cargo residues;

(c) the ship is not within a special area;

(d) the ship is more than 12 nautical miles from the nearest land;

(e) the ship is proceeding en route;

(f) the oil content of the effluent is less than 100 parts per million; and

(g) the ship has in operation oily-water separating equipment of a design approved by the Administration, taking into account the specification recommended by the Organization*."

A footnote should be added to paragraph (7)(g) as follows:

"* Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X)."

2 Regulation 10

.1 Paragraph (2)(b) is amended to read:

"(b) any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million".

.2 Paragraph (3)(b)(v) is amended by changing the cross-reference therein from 16(7) to 16(5).

3 Regulation 16

The existing text of this regulation is replaced by the following:

"Regulation 16

Oil discharge monitoring and control system and oil filtering equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage shall be fitted with oil filtering equipment complying with paragraph (4) of this regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this regulation or paragraph (1) of regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be provided with oil filtering equipment, and with arrangements for an alarm and for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 parts per million.

(3) (a) The Administration may waive the requirements of paragraphs (1) and (2) of this regulation for any ship engaged exclusively on voyages within special areas provided that all of the following conditions are complied with:

(i) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;

(ii) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(iii) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;

(iv) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages within special areas; and

(v) the quantity, time, and port of the discharge are recorded in the Oil Record Book.

(b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of regulation 9(1)(b) of this Annex.

(4) Oil filtering equipment referred to in paragraph (1) of this regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content not exceeding 15 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization*.

(5) Oil filtering equipment referred to in paragraph (2) of this regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. The system shall also be provided with arrangements such as will ensure that any discharge of oily mixtures is automatically stopped when the oil content of the effluent exceeds 15 parts per million. In considering the design of such equipment and arrangements, the Administration shall have regard to the specification recommended by the Organization*.

(6) For ships delivered before 6 July 1993 the requirements of this regulation shall apply by 6 July 1998 provided that these ships can operate with oily-water separating equipment (100 ppm equipment)."

A footnote should be added to paragraphs (4) and (5) as follows:

"* Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X)."

4 Regulation 21

.1 Subparagraph (c) is amended by deleting the first five words, i.e., "in any special area and".

.2 Subparagraph (d) is deleted.

5 Forms A and B of Supplements to the IOPP Certificate

Items 2.2 and 2.3 in both Forms A and B of Supplements to the IOPP Certificate are replaced by the following:

"2.2 Type of oil filtering equipment fitted:

2.2.1

Oil filtering (15 ppm) equipment (regulation 16(4))☐

2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 16(5)) ☐

2.3 The ship is allowed to operate with the existing equipment until 6 July 1998 (regulation 16(6)) and fitted with:

2.3.1 Oily-water separating (100 ppm) equipment ☐

2.3.2 Oil filtering (15 ppm) equipment without alarm ☐

2.3.3 Oil filtering (15 ppm) equipment with alarm and manual stopping device ☐"

Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1974

Done at Helsinki 22 March 1974

*Entered into force 3 May 1980**

Depositary: Finland

Primary source citation: 13 ILM 546 (1974)

CONVENTION ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA

THE STATES PARTIES TO THIS CONVENTION,

CONSCIOUS of the indispensable economic, social and cultural values of the marine environment of the Baltic Sea Area and its living resources for the peoples of the Contracting Parties;

BEARING in mind the exceptional hydrographic and ecological characteristics of the Baltic Sea Area and the sensitivity of its living resources to changes in the environment;

NOTING the rapid development of human activities at the Baltic Sea Area, the considerable population living within its catchment area and the highly urbanized and industrialized state of the Contracting Parties as well as their intensive agriculture and forestry;

NOTING with deep concern the increasing pollution of the Baltic Sea Area, originating from many sources such as discharges through rivers, estuaries, outfalls and pipelines, dumping and normal operations of vessels as well as through airborne pollutants;

CONSCIOUS of the responsibility of the Contracting Parties to protect and enhance the values of the marine environment of the Baltic Sea Area for the benefit of their peoples;

RECOGNIZING that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts only but that also close regional co-operation and other appropriate international measures aiming at fulfilling these tasks are urgently needed;

NOTING that the relevant recent international conventions even after having entered into force for the respective Contracting Parties do not cover all special requirements to protect and enhance the marine environment of the Baltic Sea Area;

NOTING the importance of scientific and technological co-operation in the protection and enhancement of the marine environment of the Baltic Sea Area, particularly between the Contracting Parties;

* This Convention is not in force for the United States.

DESIRING to develop further regional co-operation in the Baltic Sea Area, the possibilities and requirements of which were confirmed by the signing of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, Gdansk 1973;

CONSCIOUS of the importance of regional intergovernmental co-operation in the protection of the marine environment of the Baltic Sea Area as an integral part of the peaceful co-operation and mutual understanding between all European States;

HAVE AGREED as follows:

Article 1

Convention Area

For the purposes of the present Convention "the Baltic Sea Area" shall be the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44′ 8″ N. It does not include internal waters of the Contracting Parties.

Article 2

Definitions

For the purposes of the present Convention:

1. "Pollution" means introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, resulting in such deleterious effects as hazard to human health, harm to living resources and marine life, hindrance to legitimate uses of the sea including fishing, impairment of the quality for use of sea water, and reduction of amenities;

2. "Land-based pollution" means pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast, including outfalls from pipelines;

3. a) "Dumping" means:

   (i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

   (ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea;

   b) "Dumping" does not include:

   (i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

   (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of the present Convention;

4. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

5. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

6. "Harmful substance" means any hazardous, noxious, or other substance, which, if introduced into the sea, is liable to cause pollution;

7. "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

Article 3

Fundamental principles and obligations

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area.

2. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause an increase in the pollution of sea areas outside the Baltic Sea Area.

Article 4

Application

1. The present Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the sea-bed including their living resources and other forms of marine life.

2. Without prejudice to the sovereign rights in regard to their territorial sea, each Contracting Party shall implement the provisions of the present Convention within its territorial sea through its national authorities.

3. While the provisions of the present Convention do not apply to internal waters, which are under the sovereignty of each Contracting Party, the Contracting Parties undertake, without prejudice to their sovereign rights, to ensure that the purposes of the present Convention will be obtained in these waters.

4. The present Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 5

Hazardous substances

The Contracting Parties undertake to counteract the introduction, whether airborne, waterborne or otherwise, into the Baltic Sea Area of hazardous substances as specified in Annex I of the present Convention.

Article 6

Principles and obligations concerning land-based pollution

1. The Contracting Parties shall take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea Area.

2. In particular, the Contracting Parties shall take all appropriate measures to control and strictly limit pollution by noxious substances and materials in accordance with Annex II of the present Convention. To this end they shall, inter alia, as appropriate co-operate in the development and adoption of specific programmes, guidelines, standards or regulations concerning discharges, environmental quality, and products containing such substances and materials and their use.

3. The substances and materials listed in Annex II of the present Convention shall not be introduced into the marine environment of the Baltic Sea Area in significant quantities without a prior special permit, which may be periodically reviewed, by the appropriate national authority.

4. The appropriate national authority will inform the Commission referred to in Article 12 of the present Convention of the quantity, quality and way of discharge if it considers that significant quantities of substances and materials listed in Annex II of the present Convention were discharged.

5. The Contracting Parties shall endeavour to establish and adopt common criteria for issuing permits for discharges.

6. To control and minimize pollution of the Baltic Sea Area by harmful substances the Contracting Parties shall, in addition to the provisions of Article 5 of the present Convention, aim at attaining the goals and applying the criteria enumerated in Annex III of the present Convention.

7. If the discharge from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall in common take appropriate measures in order to prevent and abate such pollution.

8. The Contracting Parties shall endeavour to use best practicable means in order to minimize the airborne pollution of the Baltic Sea Area by noxious substances.

Article 7

Prevention of pollution from ships

1. In order to protect the Baltic Sea Area from pollution by deliberate, negligent or accidental release of oil, harmful substances other than oil, and by the discharge of sewage and garbage from ships, the Contracting Parties shall take measures as set out in Annex IV of the present Convention.

2. The Contracting Parties shall develop and apply uniform requirements for the capacity and location of facilities for the reception of residues of oil, harmful substances other than oil, including sewage and garbage, taking into account inter alia the special needs of passenger ships and combination carriers.

Article 8

Pleasure craft

The Contracting Parties shall, in addition to implementing those provisions of the present Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine

environment of the Baltic Sea Area of pleasure craft activities. The measures shall inter alia deal with adequate reception facilities for wastes from pleasure craft.

Article 9

Prevention of dumping

1. The Contracting Parties shall, subject to Paragraphs 2 and 4 of this Article, prohibit dumping in the Baltic Sea Area.

2. Dumping of dredged spoils shall be subject to a prior special permit by the appropriate national authority in accordance with the provisions of Annex V of the present Convention.

3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by vessels and aircraft:

a) registered in its territory or flying its flag;

b) loading, within its territory or territorial sea, matter which is to be dumped; or

c) believed to be engaged in dumping within its territorial sea.

4. The provisions of this Article shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by the complete destruction or total loss of the vessel or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.

5. Dumping made under the provisions of Paragraph 4 of this Article shall be reported and dealt with in accordance with Annex VI of the present Convention and shall also be reported forthwith to the Commission referred to in Article 12 of the present Convention in accordance with the provisions of Regulation 4 of Annex V of the present Convention.

6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV of the present Convention.

Article 10

Exploration and exploitation of the sea-bed and its subsoil

Each Contracting Party shall take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the sea-bed and its subsoil or from any associated activities thereon. It shall also ensure that adequate equipment is at hand to start an immediate abatement of pollution in that area.

Article 11

Co-operation in combatting marine pollution

The Contracting Parties shall take measures and co-operate as set out in Annex VI of the present Convention in order to eliminate or minimize pollution of the Baltic Sea Area by oil or other harmful substances.

Article 12

Institutional and organizational framework

1. The Baltic Marine Environment Protection Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of the present Convention.

2. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the States in the English language.

The Chairman shall serve for a period of two years, and cannot during the period of his chairmanship serve as representative of his country.

Should the chairmanship fall vacant, the Contracting Party chairing the Commission shall nominate a successor to remain in office until the term of chairmanship of that Contracting Party expires.

3. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Upon the request of a Contracting Party, provided it is endorsed by another Contracting Party, the Chairman shall, as soon as possible, summon an extraordinary meeting at such time and place as the Chairman determines, however, not later than ninety days from the date of the submission of the request.

4. The first meeting of the Commission shall be called by the Depositary Government and shall take place within a period of ninety days from the date following the entry into force of the present Convention.

5. Each Contracting Party shall have one vote in the Commission. Unless otherwise provided under the present Convention, the Commission shall take its decisions unanimously.

Article 13

The duties of the Commission

The duties of the Commission shall be:

a) To keep the implementation of the present Convention under continuous observation;

b) To make recommendations on measures relating to the purposes of the present Convention;

c) To keep under review the contents of the present Convention including its Annexes and to recommend to the Contracting Parties such amendments to the present Convention including its Annexes as may be required including changes in the lists of substances and materials as well as the adoption of new Annexes;

d) To define pollution control criteria, objectives for the reduction of pollution, and objectives concerning measures, particularly according to Annex III of the present Convention;

e) To promote in close co-operation with appropriate governmental bodies, taking into consideration Sub-Paragraph f) of this Article, additional measures to protect the marine environment of the Baltic Sea Area and for this purpose:

(i) to receive, process, summarize and disseminate from available sources relevant scientific, technological and statistical information; and

(ii) to promote scientific and technological research;

f) To seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of the present Convention;

g) To assume such other functions as may be appropriate under the terms of the present Convention.

Article 14

Administrative provisions for the Commission

1. The working language of the Commission shall be English.

2. The Commission shall adopt its Rules of Procedure.

3. The office of the Commission, hereafter referred to as the "Secretariat", shall be in Helsinki.

4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of the Executive Secretary.

5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of the present Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

Article 15

Financial provisions for the Commission

1. The Commission shall adopt its Financial Rules.

2. The Commission shall adopt an annual or biennial budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties in equal parts, unless the Commission unanimously decides otherwise.

4. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article 16

Scientific and technological co-operation

1. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to co-operate in the fields of science, technology and other research, and to exchange data as well as other scientific information for the purposes of the present Convention.

2. Without prejudice to Paragraphs 1, 2 and 3 of Article 4 of the present Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to promote studies, undertake, support or contribute to programmes aimed at developing ways and means for the assessment of the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area, and particularly to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.

3. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, and, on the basis of the information and data acquired pursuant to Paragraphs 1 and 2

of this Article, to co-operate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding Paragraphs should primarily be outlined by the Commission.

Article 17

Responsibility for damage

The Contracting Parties undertake, as soon as possible, jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of the present Convention, including, inter alia, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

Article 18

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of the present Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request the mediation by a third Contracting Party, a qualified international organization or a qualified person.

2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an ad-hoc arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.

Article 19

Safeguard of certain freedoms

Nothing in the present Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

Article 20

Status of Annexes

The Annexes attached to the present Convention form an integral part of the Convention.

Article 21

Relation to other Conventions

The provisions of the present Convention shall be without prejudice to the rights and obligations of the Contracting Parties under treaties concluded previously as well as under treaties which may be concluded in the

future, furthering and developing the general principles of the Law of the Sea that the present Convention is based upon and in particular provisions concerning the prevention of pollution of the marine environment.

Article 22

Revision of the Convention

A conference for the purpose of a general revision of the present Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

Article 23

Amendments to the Articles of the Convention

1. Each Contracting Party may propose amendments to the Articles of the present Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting Parties, which shall inform the Depositary Government of either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting Parties.

2. With the consent of the Contracting Parties or at the request of the Commission a conference may be convened for the purpose of amending the present Convention.

Article 24

Amendments to the Annexes and the adoption of Annexes

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary Government and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly, if, in exceptional cases, any Contracting Party before the expiring of the period determined by the Commission informs the Depositary Government, that, although it intends to accept the proposal, the constitutional requirements for such an acceptance are not yet fulfilled in its State.

3. An Annex to the present Convention may be adopted in accordance with the provisions of this Article.

4. The Depositary Government shall inform all Contracting Parties of any amendments or the adoption of a new Annex which enter into force under this Article and of the date on which such amendment or new Annex enters into force.

5. Any objection under this Article shall be made by notification in writing to the Depositary Government which shall notify all Contracting Parties and the Executive Secretary of any such notification and the date of its receipt.

Article 25

Reservations

1. The provisions of the present Convention shall not be subject to reservations.

2. The provision of Paragraph 1 of this Article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of the present Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force.

3. If after the entry into force of the present Convention a Contracting Party invokes the provisions of Paragraph 2 of this Article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex or a new Annex, of those provisions which will be suspended in accordance with Paragraph 2 of this Article.

Article 26

Signature, ratification, approval, and accession

1. The present Convention shall be open for signature in Helsinki on 22 March 1974 by the Baltic Sea States participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area, held in Helsinki from 18 to 22 March 1974. The present Convention shall be open for accession to any other State interested in fulfilling the aims and purposes of the present Convention, provided that this State is invited by all the Contracting Parties.

2. The present Convention shall be subject to ratification or approval by the States which have signed it.

3. The instruments of ratification, approval, or accession shall be deposited with the Government of Finland, which will perform the duties of the Depositary Government.

Article 27

Entry into force

The present Convention shall enter into force two months after the deposit of the seventh instrument of ratification or approval.

Article 28

Withdrawal

1. At any time after the expiry of five years from the date of entry into force of the present Convention any Contracting Party may, by giving written notification to the Depositary Government, withdraw from the present Convention. The withdrawal shall take effect for such Contracting Party on the thirty-first day of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the Depositary Government shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

Article 29

Language

The present Convention has been drawn up in a single copy in the English language. Official translations into the Danish, Finnish, German, Polish, Russian, and Swedish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto, have signed the present Convention.

DONE AT HELSINKI, this twenty-second day of March one thousand nine hundred and seventy-four.

ANNEX I

HAZARDOUS SUBSTANCES

The protection of the Baltic Sea Area from pollution by the substances listed below can involve the use of appropriate technical means, prohibitions and regulations of the transport, trade, handling, application, and final deposition of products containing such substances.

1. DDT (1,1,1-trichloro-2,2-bis-(chlorophenyl)-ethane) and its derivatives DDE and DDD.

2. PCB's (polychlorinated biphenyls).

ANNEX II

NOXIOUS SUBSTANCES AND MATERIALS

The following substances and materials are listed for the purposes of Article 6 of the present Convention.

The list is valid for substances and materials introduced as waterborne into the marine environment. The Contracting Parties shall also endeavour to use best practicable means to prevent harmful substances and materials from being introduced as airborne into the Baltic Sea Area.

A For urgent consideration

1. Mercury, cadmium, and their compounds.

B

2. Antimony, arsenic, beryllium, chromium, copper, lead, molybdenum, nickel, selenium, tin, vanadium, zinc, and their compounds, as well as elemental phosphorus.

3. Phenols and their derivatives.

4. Phthalic acid and its derivatives.

5. Cyanides.

6. Persistent halogenated hydrocarbons.

7. Polycyclic aromatic hydrocarbons and their derivatives.

8. Persistent toxic organosilicic compounds.

9. Persistent pesticides, including organophosphoric and organostannic pesticides, herbicides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles, not covered by the provisions of Annex I of the present Convention.

10. Radioactive materials.

11. Acids, alkalis and surface active agents in high concentrations or big quantities.

12. Oil and wastes of petrochemical and other industries containing lipid-soluble substances.

13. Substances having adverse effects on the taste and/or smell of products for human consumption from the sea, or effects on taste, smell, colour, transparency or other characteristics of the water seriously reducing its amenity values.

14. Materials and substances which may float, remain in suspension or sink, and which may seriously interfere with any legitimate use of the sea.

15. Lignin substances contained in industrial waste waters.

16. The chelators EDTA (ethylenedinitrilotetraacetic acid or ethylenediaminetetraacetic acid) and DTPA (diethylenetriaminopentaacetic acid).

ANNEX III

GOALS, CRITERIA AND MEASURES CONCERNING THE PREVENTION OF LAND-BASED POLLUTION

In accordance with the provisions of Article 6 of the present Convention the Contracting Parties shall endeavour to attain the goals and apply the criteria and measures enumerated in this Annex in order to control and minimize land-based pollution of the marine environment of the Baltic Sea Area.

1. Municipal sewage shall be treated in an appropriate way so that the amount of organic matter does not cause harmful changes in the oxygen content of the Baltic Sea Area and the amount of nutrients does not cause harmful eutrophication of the Baltic Sea Area.

2. Municipal sewage shall also be treated in an appropriate way to ensure that the hygienic quality, and in particular epidemiological and toxicological safety, of the receiving sea area is maintained at a level which does not cause harm to human health, and in a way that under the given composition of the sewage no significant amount of such harmful substances as are listed in Annexes I and II of the present Convention is formed.

3. The polluting load of industrial wastes shall be minimized in an appropriate way in order to reduce the amount of harmful substances, organic matter and nutrients.

4. The means referred to in Paragraph 3 of this Annex shall in particular include minimization of production of wastes by processing techniques, re-circulation and re-use of processing water, developing of water economy and improvement of qualifications for water treatment. In the treatment of waste water mechanical, chemical, biological and other measures, according to the quality of the waste water, and as required to maintain or improve the quality of the recipient water, shall be applied.

5. The discharge of cooling water from nuclear power plants or other kinds of industries using large amounts of water shall be effected in a way which minimizes the pollution of the marine environment of the Baltic Sea Area.

6. The Commission will define pollution control criteria, objectives for reduction of pollution and objectives concerning measures, including processing techniques and waste treatment, to reduce pollution of the Baltic Sea Area.

PREVENTION OF POLLUTION FROM SHIPS

REGULATION 1

The Contracting Parties shall as appropriate co-operate and assist each other in initiating action by the Inter-Governmental Maritime Consultative Organization to develop:

a) international rules for navigation of deep draught ships in narrow and shallow waters in international waters of the Baltic Sea Area and in the entrances to the Baltic Sea for the prevention of collisions, strandings and groundings;

b) an international radio reporting system for large ships en route within the Baltic Sea Area as well as for ships carrying a significant amount of a harmful substance.

REGULATION 2

The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, as appropriate assist each other in investigating violations of the existing legislation on antipollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, log books and engine log books and taking oil samples for analytical identification purposes and in respect of the system of tagging oil residues.

REGULATION 3

DEFINITIONS

For the purposes of this Annex:

1. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

2. "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

3. a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

4. "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law.

5. The term "jurisdiction" shall be interpreted in accordance with international law in force at the time of application or interpretation of this Annex.

REGULATION 4

OIL

The Contracting Parties shall as soon as possible but not later than 1 January 1977 or on the date of entry into force of the present Convention, which ever occurs later, apply the provisions of Paragraphs A to D of this Regulation on methods for the prevention of pollution by oil from ships while operating in the Baltic Sea Area.

A Definitions

For the purposes of this Regulation:

1. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Regulation 5 of this Annex) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.

2. "Oily mixture" means a mixture with any oil content.

3. "Oil fuel" means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried.

4. "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Regulation 5 of this Annex when it is carrying a cargo or part cargo of oil in bulk.

5. "Combination carrier" means a ship designed to carry either oil or solid cargoes in bulk.

6. "Clean ballast" means the ballast in a tank which since oil was last carried therein has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shore lines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, not withstanding the presence of visible traces.

7. "Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Regulations of this Annex.

B Control of Discharge of Oil

1. a) Subject to the provisions of Paragraph C of this Regulation, any discharge into the sea of oil or oily mixtures from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited, while in the Baltic Sea Area;

b) such ships while in the Baltic Sea Area shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and discharge them only to reception facilities.

2. a) Subject to the provisions of Paragraph C of this Regulation, any discharge into the sea of oil or oily mixtures from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in the

Baltic Sea Area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

(i) the ship is proceeding en route;

(ii) the oil content of the effluent is less than 100 parts per million; and

(iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land;

b) no discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation;

c) the oil residues which cannot be discharged into the sea in compliance with Sub-Paragraph 2 a) of this Paragraph shall be retained on board or discharged to reception facilities.

3. The provisions of this Paragraph shall not apply to the discharge of clean or segregated ballast.

4. Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Contracting Parties should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

C Exceptions

Paragraph B of this Regulation shall not apply to:

a) the discharge into the sea of oil or oily mixtures necessary for the purpose of securing the safety of a ship or saving life at sea; or

b) the discharge into the sea of oil or oily mixtures resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combatting specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Contracting Party in whose jurisdiction it is contemplated the discharge will occur.

D Special Requirements for Drilling Rigs and other Platforms

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Regulation applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

a) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and

b) subject to the provisions of Paragraph C of this Regulation, the discharge into the sea of oil or oily mixtures shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

E Reception Facilities of the Baltic Sea Area

The Contracting Parties undertake to ensure that not later than 1 January 1977 all oil loading terminals and repair ports of the Baltic Sea Area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing waters from oil tankers. In addition all ports of the area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

REGULATION 5

NOXIOUS LIQUID SUBSTANCES IN BULK

The Contracting Parties shall as soon as possible, but not later than 1 January 1977 or at a date not later than one year after the date of the entry into force of the present Convention, whichever occurs later, decide upon a date from which the provisions of Paragraphs A to D of this Regulation on the discharge of noxious liquid substances in bulk from ships while operating in the Baltic Sea Area shall apply.

A Definitions

For the purposes of this Regulation:

1. "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in Regulation 4 of this Annex when carrying a cargo or part cargo of noxious liquid substances in bulk.

2. "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C, or D has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Regulation.

3. "Segregated ballast" means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Regulations of this Annex, and which is completely separated from the cargo and oil fuel system.

4. "Liquid substances" are those having a vapour pressure not exceeding 2.8 kp/cm^2 at a temperature of 37.8° C.

5. "Noxious liquid substance" means any substance designated in Appendix III to this Annex or provisionally assessed under the provisions of Sub-Paragraph 4 of Paragraph B of this Regulation as falling into Category A, B, C, or D.

B Categorization and Listing of Noxious Liquid Substances

1. For the purposes of this Regulation noxious liquid substances shall be divided into four categories as follows:

a) Category A — noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures;

b) Category B — noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures;

c) Category C — noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions;

d) Category D — noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause

minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

2. Guidelines for use in the categorization of noxious liquid substances are given in Appendix II to this Annex.

3. The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Regulation is set out in Appendix III to this Annex.

4. Where it is proposed to carry a liquid substance in bulk which has not been categorized under Sub-Paragraph 1 of this Paragraph or evaluated as referred to in Sub-Paragraph 1 of Paragraph C of this Regulation the Contracting Parties involved in the proposed operation shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in Sub-Paragraph 2 of this Paragraph. Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed.

C Other Liquid Substances

1. The substances listed in Appendix IV to this Annex have been evaluated and found to fall outside the Categories A, B, C, and D, as defined in Sub-Paragraph 1 of Paragraph B of this Regulation because they are presently considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operations.

2. The discharge of bilge or ballast water or other residues or mixtures containing only substances listed in Appendix IV to this Annex shall not be subject to any requirement of this Regulation.

3. The discharge into the sea of clean ballast or segregated ballast shall not be subject to any requirement of this Regulation.

D Discharge of Noxious Liquid Substances

Subject to the provisions of Paragraph E of this Regulation:

1. The discharge into the sea of substances in Category A as defined in Sub-Paragraph 1 a) of Paragraph B of this Regulation, or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the Contracting Parties shall provide in accordance with Paragraph H of this Regulation, until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column IV of Appendix III to this Annex and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than 5 per cent of the total volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

2. The discharge into the sea of substances in Category B as defined in Sub-Paragraph 1 b) of Paragraph B of this Regulation or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) the tank has been washed after unloading with a volume of water of not less than 0.5 per cent of the total volume of the tank, and the resulting residues have been discharged to a reception facility until the tank is empty;

b) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

c) the procedures and arrangements for discharge and washings are approved by the Administration and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

3. The discharge into the sea of substances in Category C as defined in Sub-Paragraph 1c) of Paragraph B of this Regulation or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) the procedures and arrangements for discharge are approved by the Administration and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in Sub-Paragraph 3 b) of this Paragraph which shall in no case exceed the greater of 1 cubic metre or 1/3.000 of the tank capacity in cubic metres;

d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

4. The discharge into the sea of substances in Category D as defined in Sub-Paragraph 1 d) of Paragraph B of this Regulation, or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and

c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

5. Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with Sub-Paragraphs 1, 2, 3, or 4 of this Paragraph, whichever is applicable.

6. The discharge into the sea of substances which have not been categorized, provisionally assessed, or evaluated as referred to in Sub-Paragraph 1 of Paragraph C of this Regulation, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

E Exceptions

Paragraph D of this Regulation shall not apply to:

a) the discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; or

b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Administration, when being used for the purpose of combatting specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Contracting Party in whose jurisdiction it is contemplated the discharge will occur.

F Measures of Control

1. The Contracting Parties shall appoint or authorize surveyors for the purpose of implementing this Paragraph.

Category A Substances

2. a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

3. If the tank is to be washed:

a) the effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix III to this Annex. When the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and certified by the surveyor; and

b) after diluting the residue then remaining in the tank with at least 5 per cent of the tank capacity of water, this mixture may be discharged into the sea in accordance with the provisions of Sub-Paragraphs 1 a), b), and c) of Paragraph D of this Regulation. Appropriate entries of these operations shall be made in the Cargo Record Book.

4. Where the Government of the receiving Party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to Sub-Paragraph 3 a) of this Paragraph provided that:

a) a precleaning procedure for that tank and that substance is approved by the Administration and that Party is satisfied that such procedure will fulfil the requirements of Sub-Paragraph 1 of Paragraph D of this Regulation with respect to the attainment of the prescribed residual concentrations;

b) a surveyor duly authorized by that Party shall certify in the Cargo Record Book that:

(i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure referred to in Sub-Paragraph (ii) of this Sub-Paragraph has been based;

(ii) precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and

(iii) the tank washings resulting from such precleaning have been discharged to a reception facility and the tank is empty;

c) the discharge into the sea of any remaining residues shall be in accordance with the provisions of Sub-Paragraph 3 b) of this Paragraph and an appropriate entry is made in the Cargo Record Book.

Category B Substances

5. Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category B substance, ensure compliance with the following:

a) if a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book;

c) if the tank is to be washed, the effluent from the tank washing operation, which shall contain a volume of water not less than 0.5 per cent of the total volume of the tank, shall be discharged from the ship to a reception facility until the tank, its pump and piping system are empty. An appropriate entry shall be made in the Cargo Record Book;

d) if the tank is to be further cleaned and emptied at sea, the Master shall:

(i) ensure that the approved procedures referred to in Sub-Paragraph 2 c) of Paragraph D) of this Regulation are complied with and that the appropriate entries are made in the Cargo Record Book; and

(ii) ensure that any discharge into the sea is made in accordance with the requirements of Sub-Paragraph 2 of Paragraph D) of this Regulation and an appropriate entry is made in the Cargo Record Book;

e) if after unloading a Category B substance, any residues of tank washings are to be retained on board until the ship is outside the Baltic Sea Area, the Master shall so indicate by an appropriate entry in the Cargo Record Book.

Category C Substances

6. Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category C substance, ensure compliance with the following:

a) if a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) if the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;

(ii) the quantity of substance remaining in the tank shall not exceed the maximum quantity which may be discharged into the sea for that substance under Sub-Paragraph 3 c) of Paragraph D of this Regulation. An appropriate entry shall be made in the Cargo Record Book;

(iii) where it is intended to discharge the quantity of substance remaining into the sea the approved procedures shall be complied with, and the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book; or

(iv) where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(v) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Sub-Paragraph 3 of Paragraph D of this Regulation;

c) if the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings;

d) if after unloading a Category C substance within the Baltic Sea Area, any residues or tank washings are to be retained on board until the ship is outside the area, the Master shall so indicate by an appropriate entry in the Cargo Record Book.

Category D Substances

7. The Master of a ship shall, with respect to a Category D substance, ensure compliance with the following:

a) if a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) if the tank is to be cleaned at sea:

(i) the cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;

(ii) where it is intended to discharge the quantity of substance remaining into the sea the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book;

(iii) where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and

(iv) any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Sub-Paragraph 4 of Paragraph D of this Regulation;

c) if the tank is to be cleaned in port:

(i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or

(ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

Discharge from a Slop Tank

8. Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Sub-Paragraph 1 or 2 of Paragraph D of this Regulation, whichever is applicable. An appropriate entry shall be made in the Cargo Record Book.

9. Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category C substance in excess of the aggregate of the maximum quantities specified in Sub-Paragraph 3 c) of Paragraph D of this Regulation shall be discharged to a reception facility. An appropriate entry shall be made in the Cargo Record Book.

G Cargo Record Book

1. Every ship to which this Regulation applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix V to this Annex.

2. The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance takes place in the ship:

(i) loading of cargo;

(ii) unloading of cargo;

(iii) transfer of cargo;

(iv) transfer of cargo, cargo residues or mixtures containing cargo to a slop tank;

(v) cleaning of cargo tanks;

(vi) transfer from slop tanks;

(vii) ballasting of cargo tanks;

(viii) transfer of dirty ballast water;

(ix) discharge into the sea in accordance with Paragraph D of this Regulation.

3. In the event of any discharge of the kind referred to in Annex VI of the present Convention and Paragraph E of this Regulation of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

4. When a surveyor appointed or authorized by a Contracting Party to supervise any operations under this Regulation has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

5. Each operation referred to in Sub-Paragraphs 2 and 3 of this Paragraph shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and, when the ship is manned, each page shall be signed by the Master of the ship. The entries in the Cargo Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, except when the ship is engaged in domestic voyages, in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

6. The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of two years after the last entry has been made.

7. The competent authority of a Contracting Party may inspect the Cargo Record Book on board any ship to which this Regulation applies while the ship is in its port, and may make a copy of any entry in that Book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Cargo Record Book and the taking of a certified copy by the competent authority under this Paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

H Reception Facilities

1. The Contracting Parties undertake to ensure the provision of reception facilities according to the needs of ships using their ports, terminals or repair ports of the Baltic Sea Area as follows:

a) cargo loading and unloading ports and terminals shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of the application of this Regulation; and

b) ship repair ports undertaking repairs to chemical tankers shall have facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

2. Each Contracting Party shall determine the types of facilities provided for the purpose of Sub-Paragraph 1 of this Paragraph at its cargo loading and unloading ports, terminals and ship repair ports of the Baltic Sea Area.

REGULATION 6

HARMFUL SUBSTANCES IN PACKAGED FORMS

A. The Contracting Parties shall as soon as possible apply suitable uniform rules for the carriage of harmful substances in packaged forms or in freight containers, portable tanks or road and rail tank wagons.

B. With respect to certain harmful substances, as may be designated by the Commission, the Master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

C. A report of an incident involving harmful substances shall be made in accordance with the provisions of Annex VI of the present Convention.

REGULATION 7

SEWAGE

The Contracting Parties shall apply the provisions of Paragraphs A to D of this Regulation on discharge of sewage from ships while operating in the Baltic Sea Area.

A Definitions

For the purposes of this Regulation:

1. "New ship" means a ship:

a) for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, on or after the date of entry into force of the present Convention; or

b) the delivery of which is three years or more after the date of entry into force of the present Convention.

2. "Existing ship" means a ship which is not a new ship.

3. "Sewage" means:

a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;

b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

c) drainage from spaces containing living animals; or

d) other waste waters when mixed with the drainages defined above.

4. "Holding tank" means a tank used for the collection and storage of sewage.

B Application

1. The provisions of this Regulation shall apply to:

a) new ships certified to carry more than 100 persons from a date not later than 1 January 1977;

b) existing ships certified to carry more than 400 persons from a date not later than 1 January 1978; and

c) other ships, as specified in Sub-Paragraphs (i), (ii), and (iii), from dates decided by the Contracting Parties on recommendation by the Commission:

(i) ships of 200 tons gross tonnage and above;

(ii) ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;

(iii) ships which do not have a measured gross tonnage and are certified to carry more than 10 persons.

In the case of new such ships the date shall be not later than 1 January 1979. In the case of existing such ships the date shall be not later than ten years after the date decided for new ships.

2. A Contracting Party may, if it is satisfied that the application of the provisions of Sub-Paragraph 1 b) of this Paragraph with respect to a certain ship would necessitate constructional alterations which would be unreasonable, exempt the ship from the application until a date not later than ten years after the date of entry into force of the present Convention.

C Discharge of Sewage

1. Subject to the provisions of Paragraph D of this Regulation, the discharge of sewage into the sea is prohibited, except when:

a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration at a distance of more than 4 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or

b) the ship has in operation a sewage treatment plant which has been approved by the Administration, and

(i) the test results of the plant are laid down in a document carried by the ship;

(ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of the surrounding water; or

c) the ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

2. When the sewage is mixed with wastes or waste water having different discharge requirements, the more stringent requirements shall apply.

D Exceptions

Paragraph C of this Regulation shall not apply to:

a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimizing the discharge.

E Reception Facilities

1. Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

2. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard Dimensions of Flanges for Discharge Connections

Description	Dimension
Outside diameter	210 m
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm^2.	

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

REGULATION 8

GARBAGE

The Contracting Parties shall as soon as possible but not later than 1 January 1976 or on the date of entry into force of the present Convention, whichever occurs later, apply the provisions of Paragraphs A to D of this Regulation on the disposal of garbage from ships while operating in the Baltic Sea Area.

A Definition

For the purposes of this Regulation:

"Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Regulations of this Annex.

B Disposal of Garbage

1. Subject to the provisions of Paragraphs C and D of this Regulation:

a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

2. When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

C Special Requirements for Fixed and Floating Platforms

1. Subject to the provisions of Sub-Paragraph 2 of this Paragraph, the disposal of any materials regulated by this Regulation is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and all other ships when alongside or within 500 metres of such platforms.

2. The disposal into the sea of food wastes may be permitted when they have passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

D Exceptions

Paragraphs B and C of this Regulation shall not apply to:

a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

E Reception Facilities

Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

ANNEX IV
APPENDIX I

LIST OF OILS*

Asphalt solutions

Blending Stocks
Roofers Flux
Straight Run Residue

Oils

Clarified
Crude Oil
Mixtures containing crude oil
Diesel Oil
Fuel Oil No. 4
Fuel Oil No. 5
Fuel Oil No. 6
Residual Fuel Oil
Road Oil
Transformer Oil
Aromatic Oil (excluding vegetable oil)
Lubricating Oils and Blending Stocks
Mineral Oil
Motor Oil
Penetrating Oil
Spindle Oil
Turbine Oil

Distillates

Straight Run
Flashed Feed Stocks

Gas Oil

Cracked

Gasolene Blending Stocks

Alkylates — fuel
Reformates
Polymer — fuel

Gasolenes

Casinghead (natural)
Automotive
Aviation
Straight Run
Fuel Oil No. 1 (Kerosene)
Fuel Oil No. 1—D
Fuel Oil No. 2
Fuel Oil No. 2—D

Jet Fuels

JP—1 (Kerosene)
JP—3
JP—4
JP—5 (Kerosene, Heavy)
Turbo Fuel
Kerosene
Mineral Spirit

Naphtha

Solvent
Petroleum
Heartcut Distillate Oil

*The list of oils shall not necessarily be considered as comprehensive.

ANNEX IV
APPENDIX II

GUIDELINES FOR THE CATEGORIZATION OF NOXIOUS LIQUID SUBSTANCES

Category A

Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLm less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B

Substances which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of the sea food; or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C

Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1.000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D

Substances which are practically non-toxic to aquatic life, (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1.000 ppm); or causing deposits blanketing the seafloor with a high biochemical oxygen demand (BOD); or highly hazardous to human health, with an LD_{50} of less than 5 mg/kg; or produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or moderately hazardous to human health, with an LD_{50} of 5 mg/kg or more, but less than 50 mg/kg and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of Paragraph C of Regulation 5)

Substances other than those categorized in Categories A, B, C, and D above.

ANNEX IV
APPENDIX III

APPENDIX III

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Substance	UN Number	Pollution Category for operational discharge (Paragraph B of Regulation 5)	Residual concentration (per cent by weight)	
				(Paragraph D(1) of Regulation 5)
	I	II	III	IV *Within the Baltic Sea Area*
Acetaldehyde	1089	C		
Acetic acid	1842	C		
Acetic anhydride	1715	C		
Acetone	1090	D		
Acetone cyanohydrin	1541	A		0.05
Acetyl chloride	1717	C		
Acrolein	1092	A		0.05
Acrylic acid*	—	C		
Acrylonitrile	1093	B		
Adiponitrile	—	D		
Alkylbenzene sulfonate	—			
(straight chain)		C		
(branched chain)		B		
Allyl alcohol	1098	B		
Allyl chloride	1100	C		
Alum (15 % solution)	—	D		
Aminoethylethanolamine (Hydroxyethyl-ethylenediamine)*	—	D		
Ammonia (28 % aqueous)	1005	B		
iso-Amyl acetate	1104	C		
n-Amyl acetate	1104	C		
n-Amyl alcohol	—	D		
Aniline	1547	C		
Benzene	1114	C		
Benzyl alcohol	—	D		
Benzyl chloride	1738	B		
n-Butyl acetate	1123	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
sec-Butyl acetate	1124	D		
n-Butyl acrylate	—	D		
Butyl butyrate*	—	B		
Butylene glycol(s)	—	D		
Butyl methacrylate	—	D		
n-Butyraldehyde	1129	B		
Butyric acid	—	B		
Calcium hydroxide (solution)	—	D		
Camphor oil	1130	B		
Carbon disulphide	1131	A		0.005
Carbon tetrachloride	1846	B		
Caustic potash (Potassium hydroxide)	1814	C		
Chloroacetic acid	1750	C		
Chloroform	1888	B		
Chlorohydrins (crude)*	—	D		
Chloroprene*	1991	C		
Chlorosulphonic acid	1754	C		
para-Chlorotoluene	—	B		
Citric acid (10—25 %)	—	D		
Creosote	1334	A		0.05
Cresols	2076	A		0.05
Cresylic acid	2022	A		0.05
Crotonaldehyde	1143	B		
Cumene	1918	C		
Cyclohexane	1145	C		
Cyclohexanol	—	D		
Cyclohexanone	1915	D		
Cyclohexylamine*	—	D		
para-Cymene (Isopropyltoluene)*	2046	D		
Decahydronaphthalene	1147	D		
Decane*	—	D		
Diacetone alcohol*	1148	D		
Dibenzyl ether*	—	C		
Dichlorobenzenes	1591	A		0.05
Dichloroethyl ether	1916	B		
Dichloropropene — Dichloropropane mixture (D.D. Soil fumigant)	2047	B		
Diethylamine	1154	C		
Diethylbenzene (mixed isomers)	2049	C		
Diethyl ether	1155	D		
Diethylene triamine*	2079	C		
Diethylene glycol monoethyl ether	—	C		
Diethylketone (3-Pentanone)	1156	D		
Diisobutylene*	2050	D		
Diisobutyl ketone	1157	D		
Diisopropanolamine	—	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Diisopropylamine	1158	C		
Diisopropyl ether*	1159	D		
Dimethylamine (40 % aqueous)	1160	C		
Dimethylethanolamine (2-Dimethylaminoethanol)*	2051	C		
Dimethlylformamide	—	D		
1, 4-Dioxane*	1165	C		
Diphenyl/Diphenyloxide mixtures*	—	D		
Dodecylbenzene	—	C		
Epichlorohydrin	2023	B		
2-Ethoxyethyl acetate*	1172	D		
Ethyl acetate	1173	D		
Ethyl acrylate	1917	D		
Ethyl amyl ketone*	—	C		
Ethylbenzene	1175	C		
Ethyl cyclohexane	—	D		
Ethylene chlorohydrin (2-Chloro-ethanol)	1135	D		
Ethylene cyanohydrin*	—	D		
Ethylenediamine	1604	C		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol monethyl ether (Methyl cellosolve)	1171	D		
2-Ethylhexyl acrylate*	—	D		
2-Ethylhexyl alcohol	—	C		
Ethyl lactate*	1192	D		
2-Ethyl 3-propylacrolein*	—	B		
Formaldehyde (37—50 % solution)	1198	C		
Formic acid	1779	D		
Furfuryl alcohol	—	C		
Heptanoic acid*	—	D		
Hexamethylenediamine*	1783	C		
Hydrochloric acid	1789	D		
Hydrofluoric acid (40 % aqueous)	1790	B		
Hydrogen peroxide (greater than 60 %)	2015	C		
Isobutyl acrylate	—	D		
Isobutyl alcohol	1212	D		
Isobutyl methacrylate	—	D		
Isobutyraldehyde	2045	C		
Isooctane*	—	D		
Isopentane	—	D		
Isophorone	—	D		
Isopropylamine	1221	C		
Isopropyl cyclohexane	—	D		
Isoprene	1218	D		
Lactic acid	—	D		
Mesityl oxide*	1229	C		
Methyl acetate	1231	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Methyl acrylate	1919	C		
Methylamyl alcohol	—	D		
Methylene chloride	1593	B		
2-Methyl-5-Ethylpyridine*	—	B		
Methyl methacrylate	1247	D		
2-Methypentene*	—	D		
alpha-Methylstyrene*	—	D		
Monochlorobenzene	1134	B		
Monoethanolamine	—	D		
Monoisopropanolamine	—	C		
Monomethyl ethanolamine	—	C		
Mononitrobenzene	—	C		
Monoisopropylamine	—	C		
Morpholine*	2054	C		
Naphthalene (molten)	1334	A		0.05
Naphthenic acids*	—	A		0.05
Nitric acid (90 %)	2031/2032	C		
2-Nitropropane	—	D		
ortho-Nitrotoluene	1664	C		
Nonyl alcohol*	—	C		
Nonylphenol	—	C		
n-Octanol	—	C		
Oleum	1831	C		
Oxalic acid (10—25 %)	—	D		
Pentachloroethane	1669	B		
n-Pentane	1265	C		
Perchloroethylene (Tetrachloroethylene)	1897	B		
Phenol	1671	B		
Phosphoric acid	1805	D		
Phosphorus (elemental)	1338	A		0.005
Phthalic Anhydride (molten)	—	C		
beta-Propiolactone*	—	B		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride	—	D		
n-Propyl acetate*	1276	C		
n-Propyl alcohol	1274	D		
n-Propylamine	1277	C		
Pyridine	1282	B		
Silicon tetrachloride	1818	D		
Sodium bichromate (solution)	—	C		
Sodium hydroxide	1824	C		
Sodium pentachlorophenate (solution)	—	A		0.05
Styrene monomer	2055	C		
Sulphuric acid	1830/1831/1832	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	I	II	III	IV
Tallow	—	D		
Tetraethyllead	1649	A		0.05
Tetrahydrofuran	2056	D		
Tetrahydronaphthalene	1540	C		
Tetramethylbenzene	—	D		
Tetramethyllead	1649	A		0.05
Titanium tetrachloride	—	D		
Toluene	1294	C		
Toluene diisocyanate*	2078	B		
Trichloroethane	—	C		
Trichloroethylene	1710	B		
Triethanolamine	—	D		
Triethylamine	1296	C		
Trimethylbenzene*	—	C		
Tritolyl phosphate (Tricresyl phosphate)*	—	B		
Turpentine (wood)	1299	B		
Vinyl acetate	1301	C		
Vinylidene chloride*	1303	B		
Xylenes (mixed isomers)	1307	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

ANNEX IV
APPENDIX IV

LIST OF OTHER LIQUID SUBSTANCES CARRIED IN BULK

Acetonitrile (Methyl cyanide)
tert-Amyl alcohol
n-Butyl alcohol
Butyrolactone
Calcium chloride (solution)
Castor oil
Citric juices
Coconut oil
Cod liver oil
iso-Decyl alcohol
n-Decyl alcohol
Decyl octyl alcohol
Dibutyl ether
Diethanolamine
Diethylene glycol
Dipentene
Dipropylene glycol
Ethyl alcohol
Ethylene glycol
Fatty alcohols (C_{12}—C_{20})
Glycerine
n-Heptane
Heptene (mixed isomers)
n-Hexane
Ligroin
Methyl alcohol
Methylamyl acetate
Methyl ethyl ketone (2-butanone)
Milk
Molasses
Olive Oil
Polypropylene glycol
iso-Propyl acetate
iso-Propyl alcohol
Propylene glycol
Propylene oxide
Propylene tetramer
Propylene trimer
Sorbitol
Sulphur (liquid)
Tridecanol
Triethylene glycol
Triethylenetetramine
Tripropylene glycol
Water
Wine

ANNEX IV
APPENDIX V

CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK

Name of ship .....

Cargo carrying capacity of each tank in cubic metres .....

Voyage from ..... to .....

a) *Loading of cargo*

1. Date and place of loading
2. Name and category of cargo(es) loaded
3. Identity of tank(s) loaded

b) *Transfer of cargo*

4. Date of transfer
5. Identity of tank(s) (i) From
   (ii) To
6. Was (were) tank(s) in 5(i) emptied?
7. If not, quantity remaining

c) *Unloading of cargo*

8. Date and place of unloading
9. Identity of tank(s) unloaded
10. Was (were) tank(s) emptied?
11. If not, quantity remaining in tank(s)
12. Is(are) tank(s) to be cleaned?
13. Amount transferred to slop tank
14. Identity of slop tank

d) *Ballasting of cargo tanks*

15. Identity of tank(s) ballasted
16. Date and position of ship at start of ballasting

e) *Cleaning of cargo tanks*

Category A substances

17. Identity of tank(s) cleaned

18. Date and location of cleaning

19. Method(s) of cleaning

20. Location of reception facility used

21. Concentration of effluent when discharge to reception facility stopped

22. Quantity remaining in tank

23. Procedure and amount of water introduced into tank in final cleaning

24. Location, date of discharge into the sea

25. Procedure and equipment used in discharge into the sea

Category B, C, and D substances

26. Washing procedure used

27. Quantity of water used

28. Date, location of discharge into the sea

29. Procedure and equipment used in discharge into the sea

f) *Transfer of dirty ballast water*

30. Identity of tank(s)

31. Date and position of ship at start of discharge into the sea

32. Date and position of ship at finish of discharge into the sea

33. Ship's speed(s) during discharge

34. Quantity discharged into the sea

35. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))

36. Date and port of discharge to reception facilities (if applicable)

g) *Transfer from slop tank/disposal of residue*

37. Identity of slop tank(s)

38. Quantity disposed from each tank

39. Method of disposal of residue:

(a) Reception facilities

(b) Mixed with cargo

(c) Transferred to another (other) tank(s) (identify tank(s))

(d) Other method

40. Date and port of disposal of residue

h) *Accidental or other exceptional discharge*

41. Date and time of occurrence

42. Place or position of ship at time of occurrence

43. Approximate quantity, name and category of substance

44. Circumstances of discharge or escape and general remarks.

..... Signature of Master

ANNEX V

EXCEPTIONS FROM THE GENERAL PROHIBITION OF DUMPING OF WASTE AND OTHER MATTER IN THE BALTIC SEA AREA

Regulation 1

In accordance with Paragraph 2 of Article 9 of the present Convention the prohibition of dumping shall not apply to the disposal at sea of dredged spoils provided that:

1. they do not contain significant quantities and concentrations of substances to be defined by the Commission and listed in Annexes I and II of the present Convention; and

2. the dumping is carried out under a prior special permit given by the appropriate national authority, either

a) within the area of the territorial sea of the Contracting Party; or

b) outside the area of the territorial sea, whenever necessary, after prior consultations in the Commission.

When issuing such permits the Contracting Party shall comply with the provisions in Regulation 3 of this Annex.

Regulation 2

1. The appropriate national authority referred to in Paragraph 2 of Article 9 of the present Convention shall:

a) issue special permits provided for in Regulation 1 of this Annex;

b) keep records of the nature and quantities of matter permitted to be dumped and the location, time and method of dumping;

c) collect available information concerning the nature and quantities of matter that has been dumped in the Baltic Sea Area recently and up to the coming into force of the present Convention, provided that the dumped matter in question could be liable to contaminate water or organisms in the Baltic Sea Area, to be caught by fishing equipment, or otherwise to give rise to harm, and the location, time and method of such dumping.

2. The appropriate national authority shall issue special permits in accordance with Regulation 1 of this Annex in respect of matter intended for dumping in the Baltic Sea Area:

a) loaded in its territory;

b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not Party to the present Convention.

3. When issuing permits under Sub-Paragraph 1 a) above, the appropriate national authority shall comply with Regulation 3 of this Annex, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party shall report to the Commission, and where appropriate to other Contracting Parties, the information specified in Sub-Paragraph 1 c) of Regulation 2 of this Annex. The procedure to be followed and the nature of such reports shall be determined by the Commission.

Regulation 3

When issuing special permits according to Regulation 1 of this Annex the appropriate national authority shall take into account:

1. Quantity of dredged spoils to be dumped.

2. The content of the matter referred to in Annexes I and II of the present Convention.

3. Location (e.g. co-ordinates of the dumping area, depth and distance from coast) and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing areas, etc.).

4. Water characteristics, if dumping is carried out outside the territorial sea, consisting of:

a) hydrographic properties (e.g. temperature, salinity, density, profile);

b) chemical properties (e.g. pH, dissolved oxygen, nutrients);

c) biological properties (e.g. primary production and benthic animals).

The data should include sufficient information on the annual mean levels and the seasonal variation of the properties mentioned in this Paragraph.

5. The existence and effects of other dumping which may have been carried out in the dumping area.

Regulation 4

Reports made in accordance with Paragraph 5 of Article 9 of the present Convention shall include the following information:

1. Location of dumping, characteristics of dumped material, and counter measures taken:

a) location (e.g. co-ordinates of the accidental dumping site, depth and distance from the coast);

b) method of deposit;

c) quantity and composition of dumped matter as well as its physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients), and biological properties (e.g. presence of viruses, bacteria, yeasts, parasites);

d) toxicity;

e) content of the substances referred to in Annexes I and II of the present Convention;

f) dispersal characteristics (e.g. effects of currents and wind, and horizontal transport and vertical mixing);

g) water characteristics (e.g. temperature, pH, redox conditions, salinity and stratification);

h) bottom characteristics (e.g. topography, geological characteristics and redox conditions);

i) counter measures taken and follow-up operations carried out or planned.

2. General considerations and conditions:

a) possible effects on amenities (e.g. floating or stranded material, turbidity, objectionable odour, discolouration and foaming);

b) possible effect on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and cultures; and

c) possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation and protection of areas of special importance for scientific or conservation purposes).

ANNEX VI

CO-OPERATION IN COMBATTING MARINE POLLUTION

Regulation 1

For the purposes of this Annex:

1. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

2. "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

3. a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

Regulation 2

The Contracting Parties undertake to maintain ability to combat spillages of oil and other harmful substances on the sea. This ability shall include adequate equipment, ships and manpower prepared for operations in coastal waters as well as on the high sea.

Regulation 3

The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, develop and apply, individually or in co-operation, surveillance activities covering the Baltic Sea Area, in order to spot and monitor oil and other harmful substances released into the sea.

Regulation 4

In the case of loss overboard of harmful substances in packages, freight containers, portable tanks, or road and rail tank wagons, the Contracting Parties shall co-operate in the salvage and recovery of such packages, containers or tanks so as to minimize the danger to the environment.

Regulation 5

1. The Contracting Parties shall develop and apply a system for receiving, channeling and dispatching reports on significant spillages of oil or other harmful substances observed at sea, as well as any incident causing or likely to cause any kind of significant pollution.

2. The Contracting Parties shall request masters of ships and pilots of aircraft to report without delay in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.

3. The master of a ship involved in an incident referred to in Paragraph 1 of this Regulation, or other person having charge of the ship, shall without delay and to the fullest extent possible report in accordance with this system and with the provisions of the Appendix to the present Annex.

4. Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any observation or incident referred to in Paragraph 1 of this Regulation. Such reports shall as far as possible contain the data referred to in Paragraphs 2 or 3 of this Regulation respectively, as well as possible indications on the spreading or drifting tendencies of the spill in question.

5. Whenever a Contracting Party is aware of a casualty or the presence of spillages of oil or other harmful substances in the Baltic Sea Area likely to constitute a serious threat to the marine environment of the Baltic Sea Area or the coast or related interests of any other Contracting Party, it shall without delay transmit all relevant information thereon to the Contracting Party which may be affected by the pollutant and, as regards ship casualty incidents, to the Administration of the ship involved.

Regulation 6

Each Contracting Party shall request masters of ships flying its flag to provide, in case of an incident, on request by the proper authorities, such detailed information about the ship and its cargo which is relevant to actions for preventing or combatting pollution of the sea, and to co-operate with these authorities.

Regulation 7

1. a) The Contracting Parties shall as soon as possible agree bilaterally or multi-laterally on those regions of the Baltic Sea Area in which they will take action for combatting or salvage activities whenever a significant spillage of oil or other harmful substances or any incidents causing or likely to cause pollution within the Baltic Sea Area have occurred or are likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting Parties concerning the same subject. The neighbouring States shall ensure the harmonization of the different agreements. The Contracting Parties shall inform each other about such agreements.

The Contracting Parties may ask the Commission for assistance to reach agreement, if needed.

b) The Contracting Party within whose region a situation as described in Regulation 1 of this Annex occurs shall make the necessary assessments of the situation and take adequate action in order to avoid or minimize subsequent pollution effects and shall keep drifting parts of the spillage under observation until no further action is called for.

2. In the case that such a spillage is drifting or is likely to drift into a region, where another Contracting Party should take action for purposes as defined in Sub-Paragraph 1 a) of this Regulation, that Party shall without delay be informed of the situation and the actions that have been taken.

Regulation 8

A Contracting Party requiring assistance for combatting spillages of oil or other harmful substance at sea is entitled to call for assistance by other Contracting Parties, starting with those who seem likely also to be affected by the spillage. Contracting Parties called upon for assistance in accordance with this Regulation shall use their best endeavours to bring such assistance.

Regulation 9

1. The Contracting Parties shall provide information to the other Contracting Parties and the Commission about

a) their national organization for dealing with spillages at sea of oil and other harmful substances;

b) national regulations and other matters which have a direct bearing on combatting pollution at sea by oil and other harmful substances;

c) the competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

d) the competent authorities for dealing with questions concerning measures of mutual assistance, information and co-operation between the Contracting Parties according to this Annex;

e) actions taken in accordance with Regulation 8 of this Annex.

2. The Contracting Parties shall exchange information of research and development programs and results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in combatting such pollution.

Regulation 10

The authorities referred to in Sub-Paragraph 1 d) of Regulation 9 of this Annex shall establish direct contact and co-operate in operational matters.

ANNEX VI
APPENDIX

PROVISIONS CONCERNING REPORTS ON INCIDENTS INVOLVING HARMFUL SUBSTANCES

Regulation 1

Duty to Report

1. The Master of a ship involved in an incident referred to in Regulation 3 of this Appendix, or other person having charge of the ship, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Appendix.

2. In the event of the ship referred to in Paragraph I of this Regulation being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master under the provisions of this Appendix.

Regulation 2

Methods of Reporting

1. Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.

2. Reports shall be directed to the appropriate officer or agency referred to in Sub-Paragraph 1 c) of Regulation 9 of Annex VI of the present Convention.

Regulation 3

When to Make Reports

The report shall be made whenever an incident involves:

a) a discharge other than as permitted under the present Convention; or

b) a discharge permitted under the present Convention by virtue of the fact that:

(i) it is for the purpose of securing the safety of a ship or saving life at sea; or

(ii) it results from damage to the ship or its equipment; or

c) a discharge of a harmful substance for the purpose of combatting a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or

d) the probability of a discharge referred to in Sub-Paragraph a), b), or c) of this Regulation.

Regulation 4

Contents of Report

1. Each report shall contain in general:

a) the identity of ship;

b) the time and date of the occurrence of the incident;

c) the geographic position of the ship when the incident occurred;

d) the wind and sea conditions prevailing at the time of the incident; and

e) relevant details respecting the condition of the ship.

2. Each report shall contain, in particular:

a) a clear indication or description of the harmful substances involved, including, if possible, the correct technical names of such substances (trade names should not be used in place of the correct technical names);

b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

c) where relevant, a description of the packaging and identifying marks; and

d) if possible the name of the consignor, consignee or manufacturer.

3. Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance, or a noxious gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

4. Each report shall be supplemented as necessary by any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

Regulation 5

Supplementary Report

Any person who is obliged under the provisions of this Appendix to send a report shall, when possible:

a) supplement the initial report, as necessary, with information concerning further developments; and

b) comply as fully as possible with requests from affected States for additional information concerning the incident.

ANNEX B
RESOLUTION 1

APPLICATION BY OTHER STATES OF SPECIAL RULES FOR SHIPS OPERATING IN THE BALTIC SEA AREA

THE CONFERENCE,

BEING AWARE of the need to protect the vulnerable Baltic Sea Area against pollution,

NOTING the International Convention for the Prevention of Pollution from Ships, 1973, and particularly its provisions concerning the Baltic Sea as a special area,

HAVING ADOPTED the text of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, which inter alia gives further provisions for the protection of the Baltic Sea Area from pollution from Ships, and which requires the Contracting Parties to apply the provisions concerning the Baltic Sea Area contained in the International Convention for the Prevention of Pollution from Ships, 1973,

RECOGNIZING the importance of these provisions being applied also by ships flying the flag of other states,

REQUESTS the Participating States to act in order to prevail upon other States and ships flying the flag of other States to act in accordance with the above mentioned provisions for the protection of the Baltic Sea Area,

REQUESTS FURTHER the Participating States to encourage charterers of their nationality to insert in charterparties a clause to the effect that the ship in question destined to a Baltic Sea Area port shall observe the same provisions for the protection of the Baltic Sea Area as a ship flying the flag of a Contracting Party,

INVITES the Inter-Governmental Maritime Consultative Organization to adopt a recommendation on the application by states other than the Contracting Parties of special rules for ships operating in the Baltic Sea Area.

ANNEX B
RESOLUTION 2

FACILITIES FOR THE RECEPTION OF RESIDUES OF OIL AND OTHER NOXIOUS SUBSTANCES, SEWAGE AND GARBAGE

THE CONFERENCE,

HAVING ADOPTED the text of the Convention on the Protection of the Marine Environment of the Baltic Sea Area,

NOTING that the Contracting Parties in Annex IV of the Convention have agreed to apply the International Convention for the Prevention of pollution from Ships, 1973, as regards the provisions relevant to the preservation of the Baltic Sea Area, especially those prohibiting discharges and those dealing with the establishing of reception facilities,

NOTING FURTHER that the Annexes I, II, IV, and V of the 1973 Convention contain provisions concerning the obligations for the Contracting Parties to establish reception facilities with capacities covering the needs of ships using them without causing undue delay to the ships,

NOTING ALSO that the Contracting Parties in Article 7 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area have agreed to develop and apply uniform requirements for the capacity and location of reception facilities,

ADVISES the Contracting Parties to consider the following recommendations when uniform requirements for the capacity and location of facilities according to Paragraph 2 of Article 7 of the Convention will be developed:

1. Facilities for reception of oil residues and oily mixtures

a) *Ballast water and tank washings from tankers*

Facilities shall be provided at all terminals and anchorages where oil in bulk is normally loaded in ships or transferred from one ship to another as well as at repair yards where tankers are repaired and at tank cleaning facilities.

The capacity shall be decided by the competent national authorities after consultation with representatives inter alia of oil companies and shipowners, taking into consideration the amount of ballast water normally carried by visiting ships.

Pipeline connections to the storage tanks at oil loading terminals shall be fitted at all quays where oil is loaded. The dimensions of such pipelines shall be adapted to the largest pump capacity of tankers normally calling at the terminal.

b) *Ballast water and tank washings from ships other than tankers*

Facilities shall be provided at bunker stations at which normally ships with combined fuel/ballast tanks are calling for bunker and at repair yards. The capacity shall be decided by the competent national authorities after consultation with representatives inter alia of oil companies and shipowners.

c) *Bilge water, sludge, spent lubricating oil and similar oil residues from ships*

Facilities shall be provided at all ports at which seagoing ships are normally calling and at repair yards and at tank cleaning facilities.

The facilities shall be either pipeline connections to storage tanks, barges or tank lorries sufficient in number and capacity.

The total capacity of the facilities shall cover the needs of all ships normally calling at the port taking into account especially ships which at their arrival have completed a long voyage.

2. Facilities for residues of noxious liquid substances in bulk other than oil

Facilities shall be provided in all terminals for substances loaded or unloaded in there.

For substances categorized as Category A for the Baltic Sea Area the facilities shall have a minimum capacity equal to the total amount of tank washings necessary for complete cleaning of the tanks of all ships to be washed during a minimum time necessary for destruction, separation and/or disposal of the said amount of effluent in the storage tanks of the facility.

For substances categorized as Category B and C for the Baltic Sea Area the facilities shall have a minimum capacity equal to the total amount of tank washings for adequate cleaning of the tanks of all ships to be washed during a minimum time necessary for destruction, separation and/or disposal of the said amount of effluent in the storage tanks of the facility.

Minimum capacities shall be decided by the competent national authorities after consultation with representatives of inter alia shipowners, terminals and industries.

3. Facilities for harmful substances in packaged form or in freight containers or in portable tanks

Facilities shall be provided in major ports.

4. Facilities for sewage

Facilities shall be provided in all ports.

Such facilities shall be either pipeline connections to the sewage system of the community or to a storage tank, barge or tank lorries sufficient in number and capacity.

Minimum capacities shall be decided by the competent national authorities after consultation with inter alia harbour authorities and representatives of shipowners taking into account especially ships in regular traffic, such as passenger ships.

5. Facilities for garbage

Facilities shall be provided in all ports.

Such facilities shall be for instance containers on the quay or lorries collecting garbage from the quay and barges.

ANNEX B
RESOLUTION 3

NAVIGATION OF COMMERCIAL SHIPS THROUGH THE ENTRANCES TO THE BALTIC SEA

THE CONFERENCE,

BEING AWARE of the close relationship between the safety of navigation and the prevention of pollution from ships,

BEING ALSO AWARE of the urgent need to protect the vulnerable Baltic Sea Area against pollution,

NOTING that the navigation of large ships through the entrances to the Baltic Sea, due to the risk of grounding or collision, constitutes a potential danger of pollution of the entrances, and due to the strong sea-current also a danger of pollution of the entire Baltic Sea Area,

NOTING FURTHER that the Danish Government considers to establish a transit route between the Skaw and Gedser with a minimum depth of water of 17 metres, this being the maximum obtainable depth without dredging in the area North East of Gedser,

NOTING ALSO that the said transit route at several places will be difficult to navigate,

REALIZES that ship safety will be improved by establishing special rules for the navigation of deep draught ships in the transit route in question,

TAKING NOTE of Resolution 5 adopted by the International Conference on Marine Pollution, London 1973,

INVITES the Inter-Governmental Maritime Consultative Organization to adopt a recommendation concerning rules for navigation of deep draught ships in the transit route between the Skaw and Gedser,

RECOMMENDS that such rules might include the following:

a) ships over [40 000] tons deadweight when passing through the transit route should

   (i) not pass the area unless they have an underkeel clearance of at least [ ] meters,

   (ii) participate in the radio position reporting system operated by the Government of Denmark,

   (iii) in certain areas in Storebælt (Hatterrev, Vengeancegrund and in the narrow route east of Langeland) show the signal prescribed in Rule 28 in the International Regulations for Preventing Collisions at Sea, 1972, for ships constrained by their draught,

b) ships with a draught of [ ] metres or more should furthermore

   (i) be equipped with a VHF installation,

   (ii) have on board a DECCA navigator capable of using the DECCA chain in the area or other electronic position fixing equipment with a similar accuracy when in use in the area,

(iii) use a pilot during the passage,

(iv) pay special attention to the pilot's recommendations when he regards anchoring necessary owing to the weather and sea conditions in relation to the construction and draught of the ship and the water-level.

REQUESTS all Participating States to support activities in this respect within the Inter-Governmental Maritime Consultative Organization.

ANNEX B
RESOLUTION 4

DEVELOPMENT OF A UNIFORM POSITION REPORTING SYSTEM FOR COMMERCIAL SHIPS WITHIN THE BALTIC SEA AREA

THE CONFERENCE,

BEING AWARE of the need to protect the Baltic Sea Area against pollution from ships,

BEING ALSO AWARE of the risk of serious pollution of the Baltic Sea Area in case of incidents involving oil tankers or ships carrying a significant amount of harmful substances,

BELIEVING that a radio position reporting system extended when need be with means to give the ships information about navigational hazards will improve the safety of navigation and thereby reduce the risk of incidents,

BELIEVING FURTHER that the preparedness for dealing with pollution caused by ship accidents will benefit from a general tracking of the above mentioned ships en route,

HAVING IN MIND the resolution on rules for navigation through the entrances to the Baltic Sea,

NOTING Resolution 5 adopted by the International Conference on Marine Pollution, London 1973,

REQUESTS the Participating States to develop and apply a uniform radio position reporting system for larger oil tankers en route within the Baltic Sea Area as well as for ships carrying a significant amount of certain harmful substances, which system should be co-ordinated with the radio position reporting system at present operated by the Government of Denmark in the transit route from the Skaw to Gedser via Storebælt.

REQUESTS FURTHER the Participating States to assist each other in initiating action as soon as possible by the Inter-Governmental Maritime Consultative Organization to recommend general submission to the above-mentioned radio reporting system.

ANNEX B
RESOLUTION 5

SAFETY OF NAVIGATION

THE CONFERENCE,

HAVING ADOPTED the text of the Convention on the Protection of the Marine Environment of the Baltic Sea Area,

BEING AWARE of the close relationship between safety of navigation and the prevention of pollution from ships,

NOTING that Regulation 1 of Annex IV of the Convention contains provisions concerning the obligation for the Contracting Parties to co-operate and assist each other in initiating action by the Inter-Governmental Maritime

Consultative Organization to develop international rules for navigation of deep draught ships in narrow and shallow waters in international waters of the Baltic Sea Area,

REQUESTS the Participating States to investigate the need for improved information on established traffic separation schemes and deep draught routes in the area, the need for new such separations and routes as well as the need for long distance pilotage and other measures for increased safety of navigation. The investigations should include navigation of ships carrying a significant amount of a harmful substance.

ANNEX B
RESOLUTION 6

APPLICATION OF ARTICLE 21 TO FUTURE TREATIES

THE CONFERENCE,

HAVING ADOPTED the text of the Convention on the Protection of the Marine Environment of the Baltic Sea Area,

AGREES that regarding the application of Article 21 of the Convention to future treaties, it shall not be construed as permitting any non-performance of the obligations undertaken under the said Convention to take measures to protect and enhance the marine environment.

ANNEX B
RESOLUTION 7

INTERIM COMMISSION

THE CONFERENCE,

BEING AWARE that a period of time will by necessity elapse between the signing of the Convention on the Protection of the Marine Environment of the Baltic Sea Area and its coming into force,

CONSIDERING the urgency to expedite the work on hand, and to prepare the later activities of the Baltic Marine Environment Protection Commission,

1. RECOMMENDS the establishment of a Working Group referred to as the Interim Commission to be composed of representatives of States signatories to the Convention on the Protection of the Marine Environment of the Baltic Sea Area.

2. RECOMMENDS further that the Interim Commission be given the following tasks:

   a) to prepare drafts for the Rules of Procedure and the Financial Rules of the future Commission;

   b) to examine the scientific problems which will have to be dealt with by the future Commission, review the available scientific evidence; and

   c) to consider any other issues presented to it by Member Governments.

3. REQUESTS the Interim Commission to report to the Commission at its first meeting on the results of its work.

4. NOTES with appreciation the intention of the Government of Finland to invite the Interim Commission to its first meeting in Finland before the 30 September 1974.

Convention for the Prevention of Marine Pollution from Land-Based Sources, Paris, 1974

Done at Paris 4 June 1974

*Entered into force 6 May 1978**

Depositary: France

Primary source citation: 13 ILM 352 (1974)

CONVENTION FOR THE PREVENTION OF MARINE POLLUTION FROM LAND-BASED SOURCES

THE CONTRACTING PARTIES :

RECOGNIZING that the marine environment and the living resources which it supports are of vital importance to all nations ;

MINDFUL that the ecological equilibrium and the legitimate uses of the sea are increasingly threatened by pollution ;

CONSIDERING the recommendations of the United Nations Conference on the Human Environment, held in Stockholm in June 1972 ;

RECOGNIZING that concerted action at national, regional and global levels is essential to prevent and combat marine pollution ;

CONVINCED that international action to control the pollution of the sea from land-based sources can and should be taken without delay, as part of progressive and coherent measures to protect the marine environment from pollution, whatever its origin, including current efforts to combat the pollution of international waterways ;

CONSIDERING that the common interests of States concerned with the same marine area should induce them to cooperate at regional or sub-regional levels ;

RECALLING the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft concluded in Oslo on 15 February 1972 ;

Have agreed as follows :

* This Convention is not in force for the United States. It will be replaced by the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (see Volume III, page 2545) as between the Contracting Parties to the 1992 Convention.

ARTICLE I

1. The Contracting Parties pledge themselves to take all possible steps to prevent pollution of the sea, by which is meant the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) resulting in such deleterious effects as hazards to human health, harm to living resources and to marine eco-systems, damage to amenities or interference with other legitimate uses of the sea.

2. The Contracting Parties shall adopt individually and jointly measures to combat marine pollution from land-based sources in accordance with the provisions of the present convention and shall harmonize their policies in this regard.

ARTICLE 2

The present Convention shall apply to the maritime area within the following limits :

a) those parts of the Atlantic and Arctic Oceans and the dependent seas which lie North of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding :

   i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbierg and from Gilbierg Head to Kullen, and

   ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5°36′ west longitude ;

b) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

ARTICLE 3

For the purpose of the present Convention :

a) "Maritime area" - means the high seas, the territorial seas of Contracting Parties and waters on the landward side of the base lines from which the breadth of the territorial sea is measured, extending, in the case of watercourses up to the freshwater limit unless otherwise decided under Article 16 of the present Convention;

b) "Freshwater limit" - means the place in the watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water;

c) "Pollution from land-based sources" - means the pollution of the maritime area :

   i) through watercourses,

   ii) from the coast, including introduction through underwater or other pipelines,

   iii) from man-made structures placed under the jurisdiction of a Contracting Party within the limits of the area to which the present Convention applies.

ARTICLE 4

1. The Contracting Parties undertake :

   a) to eliminate, if necessary by stages, pollution of the maritime area from land-based sources of substances listed in Part I of Annex A to the present Convention.

   b) to limit strictly pollution of the maritime area from land-based sources of the substances listed in Part II of Annex A to the present Convention.

2. In order to carry out the undertakings in paragraph 1 of this Article, the Contracting Parties, jointly or individually as appropriate, shall implement programmes and measures :

   a) for the elimination, as a matter of urgency, of pollution of the maritime area from land-based sources by substances listed in Part I of Annex A to the present Convention;

   b) for the reduction or, as appropriate, elimination of pollution of the maritime area from land-based sources by substances listed in Part II of Annex A to the present Convention. These substances shall be discharged only after approval has been granted by the appropriate Authorities within each contracting State. Such approval shall be periodically reviewed.

3. The programmes and measures adopted under paragraph 2 above shall include, as appropriate, specific regulations or standards governing the quality of the environment, discharges into the maritime area, such discharges into watercourses as affect the maritime area, and the composition and use of substances and products and shall take into account the latest technical developments.

   The programmes shall contain time-limits for their completion.

4. Furthermore, the Contracting Parties may, jointly or individually as appropriate, implement programmes or measures to forestall, reduce or eliminate pollution of the maritime area from land-based sources by a substance not then listed in Annex A to the present Convention, if scientific evidence has established that a serious hazard may be created in the maritime area by that substance and if urgent action is necessary.

ARTICLE 5

1. The Contracting Parties undertake to adopt measures to forestall and, as appropriate, eliminate pollution of the maritime area from land-based sources by radio-active substances referred to in Part III of Annex A of the present Convention.

2. Without prejudice to their obligations under other Treaties and Conventions, in implementing this undertaking the Contracting Parties shall:

   a) take full account of the recommendations of the appropriate international Organisations and Agencies.

   b) take account of the monitoring procedures recommended by these international organisations and Agencies.

   c) coordinate their monitoring and study of radio-active substances in accordance with Article 10 and 11 of the present Convention.

ARTICLE 6

1. With a view to preserving and enhancing the quality of the marine environment, the Contracting Parties, without prejudice to the provisions of Article 4, shall endeavour:

   a) to reduce existing pollution from land-based sources;

   b) to forestall any new pollution from land-based sources, including that which derives from new substances.

2. In implementing this undertaking, the Contracting Parties shall take account of:

   a) the nature and quantities of the pollutants under consideration;

   b) the level of existing pollution;

   c) the quality and absorptive capacity of the receiving waters of the maritime area;

   d) the need for an integrated planning policy, consistent with the requirement of environmental protection.

ARTICLE 7

The Contracting Parties agree to apply the measures they adopt in such a way as to avoid increasing pollution:

— in the seas outside the area to which the present Convention applies;

— in the maritime area covered by the present Convention, originating otherwise than from land-based sources.

ARTICLE 8

No provision of the present Convention may be interpreted as preventing the Contracting Parties from taking more stringent measures to combat marine pollution from land-based sources.

ARTICLE 9

1. When pollution from land-based sources originating from the territory of a Contracting Party by substances not listed in Part I of Annex A of the present Convention is likely to prejudice the interests of one or more of the other Parties to the Convention, the Contracting Parties concerned undertake to enter into consultation, at the request of any one of them, with a view to negotiating a co-operation agreement.

2. At the request of any Contracting Party concerned, the Commission referred to in Article 15 of the present Convention shall consider the question and may make recommendations with a view to reaching a satisfactory solution.

3. The special agreements specified in Paragraph 1 of this Article may, among other things, define the areas to which they shall apply, the quality objectives to be achieved, and the methods for achieving these objectives including methods for the application of appropriate standards, and the scientific and technical information to be collected.

4. The Contracting Parties signatory to these agreements shall, through the medium of the Commission, inform the other Contracting Parties of their purport and of the progress made in putting them into effect.

ARTICLE 10

The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research into the best methods of eliminating or replacing noxious substances so as to reduce marine pollution from land-based sources, and to transmit to each other the information so obtained. In doing so they will have regard to the work carried out, in these fields, by the appropriate international Organizations and Agencies.

ARTICLE 11

The Contracting Parties agree to set up progressively, and to operate within the area covered by the present Convention, a permanent monitoring system allowing of :-

— the earliest possible assessment of the existing level of marine pollution;

— the assessment of the effectiveness of measures for the reduction of marine pollution from land-based sources taken under the terms of the present Convention.

For this purpose the Contracting Parties shall lay down the ways and means of pursuing individually or jointly systematic and ad hoc monitoring programmes. These programmes shall take into account the deployment of research vessels and other facilities in the monitoring area.

The programmes will take into account similar programmes pursued in accordance with Conventions already in force and by the appropriate international organisations and Agencies.

ARTICLE 12

1. Each Contracting Party undertakes to ensure compliance with the provisions of this Convention and to take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of the present Convention.

2. The Contracting Parties shall inform the Commission of the legislative and administrative measures they have taken to implement the provisions of the above paragraph.

ARTICLE 13

The Contracting Parties undertake to assist one another as appropriate to prevent incidents which may result in pollution from land-based sources, to minimize and eliminate the consequences of such incidents, and to exchange information to that end.

ARTICLE 14

1. The provisions of the present Convention may not be invoked against a Contracting Party to the extent that the latter is prevented, as a result of pollution having its origin in the territory of a non-Contracting State, from ensuring their full application.

2. However, the said Contracting Party shall endeavour to co-operate with the non-Contracting state so as to make possible the full application of the present Convention.

ARTICLE 15

A Commission made of representatives of each of the Contracting Parties is hereby established. The Commission shall meet at regular intervals and at any time, when due to special circumstances it is so decided in accordance with the rules of procedure.

ARTICLE 16

It shall be the duty of the Commission:

a) to exercise overall supervision over the implementation of the present Convention ;

b) to review generally the condition of the seas within the area to which the present Convention applies, the effectiveness of the control measures being adopted and the need for any additional or different measures ;

c) to fix, if necessary, in accordance with Article 3(a), on the proposal of the Contracting Party or Parties bordering on the same watercourse and following a standard procedure, the limit to which the maritime area shall extend in this watercourse ;

d) to draw up, in accordance with Article 4 of the present Convention, programmes and measures for the elimination or reduction of pollution from land-based sources ;

e) to make recommendations in accordance with the provisions of Article 9 ;

f) to receive and review information and distribute it to the Contracting Parties in accordance with the provisions of Article 11, 12 and 17 of the present Convention ;

g) to make, in accordance with Article 13, recommendations regarding any amendment to the lists of substances included in Annex A of the present Convention ;

h) to discharge such other functions, as may be appropriate, under the terms of the present Convention.

ARTICLE 17

The Contracting Parties, in accordance with a standard procedure, shall transmit to the Commission :

a) the results of monitoring pursuant to Article (11).

b) the most detailed information available on the substances listed in the Annexes to the present Convention and liable to find their way into the maritime area.

The Contracting Parties shall endeavour to improve progressively techniques for gathering such information which can contribute to the revision of the pollution reduction programmes adopted in accordance with Article 4.

ARTICLE 18

1. The Commission shall draw up its own Rules of Procedure which shall be adopted by unanimous vote.

2. The Commission shall draw up its own Financial Regulations which shall be adopted by unanimous vote.

3. The Commission shall adopt, by unanimous vote, programmes and measures for the reduction or elimination of pollution from land-based sources as provided for in Article 4, and for scientific research and monitoring as provided for in Articles 10 and 11 and the decisions under Article 16 c).

Such programmes and measures shall commence for, and be applied by, all Contracting Parties two hundred days after adoption, unless the Commission specifies another date.

Should unanimity not be attainable, the Commission may nonetheless adopt a programme or measures by a three quarters majority vote of its members. Such programmes or measures shall commence for those Contracting Parties which voted for them two hundred days after their adoption, unless the Commission specifies another date, and for any other Contracting Party after it has explicitly accepted the programme or measures which it may do at any time.

4. The Commission may adopt, in accordance with Article 16 g), recommendations for amendments to Annex A to the present Convention by a three quarters majority vote of its members and shall submit them for the approval of the Governments of the Contracting Parties. Any Government of a Contracting Party that is unable to approve an amendment shall notify the Depositary Government in writing within a period of two hundred days after the adoption of the Recommendation of amendment in the Commission. Should no such notification be received, the amendment shall enter into force for all Contracting Parties two hundred and thirty days after the vote in the Commission. The Depositary Government shall notify the Contracting Parties as soon as possible of the receipt of any notification.

ARTICLE 19

Within its competences, the European Economic Community is entitled to a number of votes equal to the number of its member States which are Contracting Parties to the present Convention.

The European Economic Community shall not exercise its right to vote in cases where its member States exercise theirs and conversely.

ARTICLE 20

The depositary Government shall convene the first meeting of the Commission as soon as possible after the coming into force of the present Convention.

ARTICLE 21

Any dispute between Contracting Parties relating to the interpretation or application of the present Convention, which cannot be settled otherwise by the parties concerned, for instance by means of inquiry or conciliation within the Commission, shall, at the request of any of those Parties be submitted to arbitration under the conditions laid down in Annex B to the Convention.

ARTICLE 22

The present Convention shall be open at Paris, from 4th June 1974 to 30th June 1975, for signature by the States invited to the Diplomatic Conference on the Convention for the prevention of Marine Pollution from Land-Based Sources held at Paris and by the European Economic Community.

ARTICLE 23

The present Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the French Republic.

ARTICLE 24

1. After 30th June 1975, the present Convention shall be open for accession by States referred to in Article (22) and by the European Economic Community.

2. The present Convention shall also be open for accession from the same date by any other Contracting Party to the Convention for the prevention of Marine Pollution by Dumping from Ships and Aircraft opened for signature at Oslo on 15th February 1972.

3. From the date of its entry into force, the present Convention shall be open for accession by any State not referred to in Article (22) located upstream on watercourses crossing the territory of one or more Contracting Parties to the present Convention and reaching the maritime area defined in Article 2.

4. The Contracting Parties may, by unanimous vote, invite other States to accede to the present Convention. In that case the maritime area defined in Article (2) may, if necessary, be amended in accordance with Article (27) of the present Convention.

5. The instruments of accession shall be deposited with the Government of the French Republic.

ARTICLE 25

1. The present Convention shall come into force on the thirtieth day following the date of deposit of the seventh instrument of ratification, approval, acceptance or accession.

2. For each Party ratifying, accepting or approving the present Convention or acceding to it after the deposit of the seventh instrument of ratification, approval, acceptance or accession, the present Convention shall enter into force on the thirtieth day after deposit by that Party of its instrument of ratification, acceptance, approval or accession.

ARTICLE 26

At any time after the expiry of two years from the date of coming into force of the present Convention in relation to any Contracting Party such Party may withdraw from the Convention by notice in writing to the depositary Government. Such notice shall take effect one year after the date on which it is received.

ARTICLE 27

1. The depositary Government shall, at the request of the Commission on a decision taken by a two-thirds majority of its members, call a Conference for the purpose of revising or amending the present Convention.

2. Upon accession by a State as provided for in paragraphs 2, 3 and 4 of Article 24, the maritime area defined in Article 2 may be amended upon a proposal by the Commission adopted by a unanimous vote. Such amendments shall enter into force after unanimous approval by the Contracting Parties.

ARTICLE 28

The depositary Government shall inform the Contracting Parties and those referred to in Article 22:

(a) of signatures to the present Convention, of the deposit of instruments of ratification, acceptance, approval or accession, and of notices of withdrawal in accordance with Articles 22, 23, 24 and 26;

(b) of the date on which the present Convention comes into force in accordance with Article 25;

(c) of the receipt of notifications of approval or of objection to the present Convention and its annexes, and of the entry into force of amendments thereto, in accordance with Articles 18 and 27 of the present Convention.

ARTICLE 29

The original of the present Convention of which the French and English texts shall be equally authentic, shall be deposited with the Government of the French Republic which shall send certified copies thereof to the Contracting Parties and the States referred to in Article 22 and shall deposit a certified copy with the Secretary General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

In witness thereof, the undersigned, duly authorized by their respective Governments, have signed this Convention.

Done at Paris, this 4th June 1974.

ANNEX A

The allocation of substances to Parts I, II and III below takes account of the following criteria :

a) persistence

b) toxicity or other noxious properties

c) tendency to bio-accumulation

These criteria are not necessarily of equal importance for a particular substance or group of substances, and other factors such as the location and quantities of the discharge may need to be considered.

Part I

Substances are included in this Part

(i) because they are not readily degradable or rendered harmless by natural processes ; and

(ii) because they may either

(a) give rise to dangerous accumulation of harmful material in the food chain, or

(b) endanger the welfare of living organisms causing undesirable changes in the marine ecosystems,

(c) interfere seriously with the harvest of sea foods or with other legitimate uses of the sea ; and

(iii) because it is considered that pollution by these substances necessitates urgent action.

1. Organohalogen compounds and substances which may form such compounds in the marine environment, excluding those which are biologically harmless, or which are rapidly converted in the sea into substances which are biological harmless.

2. Mercury and mercury compounds.

3. Cadmium and cadmium compounds.

4. Persistent synthetic materials which may float, remain in suspension or sink, and which may seriously interfere with any legitimate uses of the sea.

5. Persistent oils and hydrocarbons of petroleum origin.

Part II

Substances are included in this Part because, although exhibiting similar characteristics to the substances in Part I and requiring strict control, they seem less noxious or are more readily rendered harmless by natural processes.

1. Organic compounds of phosphorous, silicon, and tin and substances which may form such compounds in the marine environment, excluding those which are biologically harmless, or which are rapidly converted in the sea into substances which are biologically harmless.

2. Elemental phosphorus.

3. Nonpersistent oils and hydrocarbons of petroleum origin.

4. The following elements and their compounds.

Arsenic	Lead
Chromium	Nickel
Copper	Zinc

5. Substances which have been agreed by the Commission as having a deleterious effect on the taste and/or smell of products derived from the marine environment for human consumption.

Part III

Substances are included in this Part because, although they display characteristics similar to those of substances listed in Part I and should be subject to stringent controls with the aim of preventing and, as appropriate, eliminating the pollution which they cause, they are already the subject of research, recommendations and, in some cases, measures under the auspices of several International Organisations and Institutions.

Those substances are subject to the provisions of Article (14) :

— Radioactive substances, including wastes.

ANNEX B

Article 1

Unless the parties to the dispute decide otherwise, the arbitral procedure shall be in accordance with the provisions of this Annex.

Article 2

1. At the request addressed by one Contracting Party to another Contracting Party in accordance with Article 21 of the Convention, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including in particular the articles of the Convention, the interpretation or application of which is in dispute.

2. The claimant shall inform the Commission that he has requested the setting up of an arbitral tribunal, stating the name of the other party to the dispute and the articles of the Convention the interpretation or application of which is in his opinion in dispute. The Commission will forward the information thus received to all Contracting Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members : each of the parties to the dispute shall appoint an arbitrator ; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in another capacity.

Article 4[1]

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of either party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary General of the United Nations who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Appendix shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on the procedure and on the substance, shall be taken by majority voting of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend indispensable interim measures of protection.

3. If two or more arbitral tribunals constituted under the provisions of this Appendix are seized of requests with identical or analogous subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

4. The parties to the dispute shall provide all facilities necessary for the effective running of the procedure.

5. The absence or default of a party to the dispute shall not constitute an impediment to the procedure.

(1) Reserve d'attente of the Delegation of Portugal

Article 7

1. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

2. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 8

The European Economic Community, like any other contracting Party to the present Convention, has the right to appear as applicant or respondant before the arbitral tribunal.

Protocol Amending the Convention for the Prevention of Marine Pollution from Land-Based Sources, Paris, 1986

Done at Paris 26 March 1986

*Entered into force 1 September 1989**

Primary source citation: 27 ILM 625 (1988)

PROTOCOL
amending the Convention for the prevention of marine pollution from land-based sources

THE CONTRACTING PARTIES to the Convention for the prevention of marine pollution from land-based sources, done at Paris on 4 June 1974 (hereinafter referred to as 'the Convention');

RECALLING Article 1 of the Convention, in which the Contracting Parties pledge themselves to take all possible steps to prevent pollution of the sea;

RECOGNIZING that the Convention does not contain provisions referring to the prevention of pollution of the maritime area through the atmosphere;

DESIRING to extend the scope of the Convention to such pollution;

HAVE AGREED AS FOLLOWS:

Article I

The following is inserted in Article 3 of the Convention after iii. of subparagraph c:

'iv. by emissions into the atmosphere from land or from man-made structures as defined in subparagraph iii. above'.

Article II

The first sentence of Article 4, paragraph 3, is amended by inserting 'and emissions into the atmosphere', after 'discharges into watercourses'.

* This Protocol is not in force for the United States.

Article III

The following is inserted at the beginning of Article 16 d of the Convention:

'to examine the feasibility of and, as appropriate.'

Article IV

1. This Protocol shall be open for signature at Paris from 26 March 1986 until 30 June 1986 by the States which are parties to the Convention on the date of the opening for signature of the Protocol, and by the European Economic Community.

2. This Protocol shall be subject to ratification, acceptance or approval.

Article V

After 30 June 1986 this Protocol shall be open for accession by any State referred to in Article 24 of the Convention and by the European Economic Community.

Article VI

1. This Protocol shall enter into force on the first day of the second month following the date on which the last of the contracting parties referred to in Article IV of this Protocol has deposited its instrument of ratification, acceptance, approval or accession.

2. For any other State becoming party to this Protocol after its entry into force, this Protocol shall enter into force on the first day of the second month following the date on which that State has deposited its instrument of accession.

3. Any State which becomes a contracting party to this Protocol without being a contracting party to the Convention shall be considered as a contracting party to the Convention as amended by this Protocol as of the date of entry into force of this Protocol for that State.

4. Any State which becomes a contracting party to the Convention after the entry into force of this Protocol shall be considered as a contracting party to the Convention as amended by this Protocol.

5. The instruments of ratification, acceptance, approval or accession shall be deposited with the Government of the French Republic.

Article VII

The Depository Government shall inform the Contracting Parties and those States referred to in Article 22 of the Convention of signature of this Protocol, of the deposit of instruments of ratification, acceptance, approval or accession, made pursuant to Articles IV, V and VI, and of the date of entry into force of this Protocol.

Article VIII

The original of this Protocol, of which the English and French texts shall be equally authentic, shall be deposited with the Government of the French Republic.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Protocol.

Done in Paris, this 26 March 1986.

Convention for the Protection of the Mediterranean Sea Against Pollution, Barcelona, 1976

Done at Barcelona 16 February 1976

*Entered into force 12 February 1978**

Depositary: Spain

Primary source citation: Copy of text provided by the United Nations Environment Program

CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION

The Contracting Parties,

Conscious of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea Area,

Fully aware of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations,

Recognizing the threat posed by pollution to the marine environment, its ecological equilibrium, resources and legitimate uses,

Mindful of the special hydrographic and ecological characteristics of the Mediterranean Sea Area and its particular vulnerability to pollution,

Noting that existing international conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea Area,

Realizing fully the need for close co-operation among the States and international organizations concerned in a co-ordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

Have agreed as follows:

* This Convention is not in force for the United States.

Article 1

GEOGRAPHICAL COVERAGE

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.

2. Except as may be otherwise provided in any protocol to this Convention, the Mediterranean Sea Area shall not include internal waters of the Contracting Parties.

Article 2

DEFINITIONS

For the purposes of this Convention:

(*a*) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea-water and reduction of amenities.

(*b*) "Organization" means the body designated as responsible for carrying out secretariat functions pursuant to article 13 of this Convention.

Article 3

GENERAL PROVISIONS

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements between Contracting Parties to this Convention shall be communicated to the Organization.

2. Nothing in this Convention shall prejudice the codification and development of the Law of the Sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present of future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article 4

GENERAL UNDERTAKINGS

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those protocols in force to which they are party, to prevent, abate and combat pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area.

2. The Contracting Parties shall co-operate in the formulation and adoption of protocols, in addition to the protocols opened for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention.

3. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment in the Mediterranean Sea Area from all types and sources of pollution.

Article 5

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

Article 6

POLLUTION FROM SHIPS

The Contracting Parties shall take all measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

Article 7

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEA-BED AND ITS SUBSOIL

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil.

Article 8

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Article 9

CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall co-operate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

Article 10

MONITORING

1. The Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area.

2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

3. The Contracting Parties undertake to cooperate in the formulation, adoption and implementation of such annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

Article 11

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties undertake as far as possible to cooperate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.

2. The Contracting Parties undertake as far as possible to develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea Area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.

3. The Contracting Parties undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

Article 12

LIABILITY AND COMPENSATION

The Contracting Parties undertake to co-operate as soon as possible in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from the pollution of the marine environment deriving from violations of the provisions of this Convention and applicable protocols.

Article 13

INSTITUTIONAL ARRANGEMENTS

The Contracting Parties designate the United Nations Environment Programme as responsible for carrying out the following secretariat functions:

(i) To convene and prepare the meetings of Contracting Parties and conferences provided for in articles 14, 15 and 16;

(ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 9 and 20;

(iii) To consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the protocols and annexes thereto;

(iv) To perform the functions assigned to it by the protocols to this Convention;

(v) To perform such other functions as may be assigned to it by the Contracting Parties;

(vi) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 14

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the protocols and, in particular:

(i) To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;

(ii) To consider reports submitted by the Contracting Parties under article 20;

(iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 17;

(iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 15 and 16;

(v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;

(vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.

Article 15

ADOPTION OF ADDITIONAL PROTOCOLS

1. The Contracting Parties, at a diplomatic conference, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.

2. A diplomatic conference for the purpose of adopting additional protocols shall be convened by the Organization at the request of two thirds of the Contracting Parties.

3. Pending the entry into force of this Convention the Organization may, after consulting with the signatories to this Convention, convene a diplomatic conference for the purpose of adopting additional protocols.

Article 16

AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the protocol concerned.

3. Amendments to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the diplomatic conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to such protocol which are represented at the diplomatic conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to such protocol.

4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be.

5. After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended.

Article 17

ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.

2. Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol, with the exception of amendments to the annex on arbitration:

(i) Any Contracting Party may propose amendments to the annexes to this Convention or to any protocol at the meetings referred to in article 14;

(ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;

(iii) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties;

(iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;

(v) The Depositary shall without delay notify all Contracting Parties of any notification received pursuant to the preceding sub-paragraph;

(vi) On expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, provided that, if any amendment to the Convention or the protocol concerned is involved the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 16 above.

Article 18

RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 14, 15 and 16 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 19

SPECIAL EXERCISE OF VOTING RIGHT

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 24 of this Convention shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the member States concerned exercise theirs, and conversely.

Article 20

REPORTS

The Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of this Convention and of Protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 21

COMPLIANCE CONTROL

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and the protocols.

Article 22

SETTLEMENTS OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in annex A to this Convention.

3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

Article 23

RELATIONSHIP BETWEEN THE CONVENTION AND PROTOCOLS

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 24

SIGNATURE

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them.

Article 25

RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 26

ACCESSION

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol, subject to prior approval by three fourths of the Contracting Parties to the protocol concerned.

3. Instruments of accession shall be deposited with the Depositary.

Article 27

ENTRY INTO FORCE

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 24.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in article 24 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 28

WITHDRAWAL

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 29

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 24, and the Organization:

(i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 24, 25 and 26;

(ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 27;

(iii) Of notifications of withdrawal made in accordance with article 28;

(iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 16;

(v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 17;

(vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 22.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of Spain, which shall send certified copies thereof to the Contracting Parties, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX A

Arbitration

Article 1

Unless the Parties to the dispute otherwise agree, the arbitration procedure shall be conducted in accordance with the provisions of this annex.

Article 2

1. At the request addressed by one Contracting Party to another Contracting Party in accordance with the provisions of paragraph 2 or paragraph 3 of article 22 of the Convention, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including, in particular, the articles of the Convention or the protocol, the interpretation or application of which is in dispute.

2. The claimant party shall inform the Organization that it has requested the setting up of an arbitral tribunal, stating the name of the other Party to the dispute and articles of the Convention or the protocols the interpretation or application of which is in its opinion in dispute. The Organization shall forward the information thus received to all Contracting Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members: each of the Parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of the more diligent Party, designate him within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention and the protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. If two or more arbitral tribunals constituted under the provisions of this annex are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

4. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

5. The absence or default of a Party to the dispute shall not constitute an impediment to the proceedings.

Article 7

1. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

2. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by the more diligent Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 8

The European Economic Community and any regional economic grouping referred to in article 24 of the Convention, like any Contracting Party to the Convention, are empowered to appear as complainants or as respondents before the arbitral tribunal.

Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, Barcelona, 1976

Done at Barcelona 16 February 1976

*Entered into force 12 February 1978**

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing the danger posed to the marine environment by pollution caused by the dumping of wastes or other matter from ships and aircraft,

Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,

Bearing in mind the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, adopted in London in 1972,

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

Article 2

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

* This Protocol is not in force for the United States.

Article 3

For the purposes of this Protocol:

1. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not, and platforms and other man-made structures at sea and their equipment.

2. "Wastes or other matter" means material and substances of any kind, form or description.

3. "Dumping" means:

(*a*) Any deliberate disposal at sea of wastes or other matter from ships or aircraft;

(*b*) Any deliberate disposal at sea of ships or aircraft.

4. "Dumping" does not include:

(*a*) The disposal at sea of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft, operating for the purpose of disposal of such matter, or derived from the treatment of such wastes or other matter on such vessels or aircraft;

(*b*) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol.

5. "Organization" means the body referred to in article 13 of the Convention.

Article 4

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex I to this Protocol is prohibited.

Article 5

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 6

The dumping into the Mediterranean Sea Area of all other wastes or other matter requires a prior general permit from the competent national authorities.

Article 7

The permits referred to in articles 5 and 6 above shall be issued only after careful consideration of all the factors set forth in annex III to this Protocol. The Organization shall receive records of such permits.

Article 8

The provisions of articles 4, 5 and 6 shall not apply in case of *force majeure* due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened. Such dumpings shall immediately be reported to the Organization and, either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 9

If a Party in a critical situation of an exceptional nature considers that wastes or other matter listed in annex I to this Protocol cannot he disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the Organization. The Organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the Organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.

Article 10

1. Each Party shall designate one or more competent authorities to:

(*a*) Issue the special permits provided for in article 5;

(*b*) Issue the general permits provided for in article 6;

(*c*) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.

2. The competent authorities of each Party shall issue the permits provided for in articles 5 and 6 in respect of the wastes or other matter intended for dumping:

(*a*) Loaded in its territory;

(*b*) Loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not Party to this Protocol.

Article 11

1. Each Party shall apply the measures required to implement this Protocol to all:

(*a*) Ships and aircraft registered in its territory or flying its flag;

(*b*) Ships and aircraft loading in its territory wastes or other matter which are to be dumped;

(*c*) Ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

2. This Protocol shall not apply to any ships or aircraft owned or operated by a State Party to this Protocol and used for the time being only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

Article 12

Each Party undertakes to issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Mediterranean Sea Area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to any other Party concerned.

Article 13

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

Article 14

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol:

(*a*) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(*b*) To study and consider the records of the permits issued in accordance with articles 5, 6 and 7 and of the dumping which has taken place;

(*c*) To review and amend as required any annex to this Protocol;

(*d*) To discharge such other functions as may be appropriate for the implementation of this Protocol.

3. The adoption of amendments to the annexes to this Protocol pursuant to article 17 of the Convention shall require a three-fourths majority vote of the Parties.

Article 15

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

A

The following substances and materials are listed for the purpose of article 4 of the Protocol.

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

3. Mercury and mercury compounds.

4. Cadmium and cadmium compounds.

5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of these, taken on board for the purpose of dumping.

7. High- and medium- and low-level radioactive wastes or other high- and medium- and low-level radioactive matter to be defined by the International Atomic Energy Agency.

8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea-water. The composition and quantity to be taken into consideration shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare, other than those rapidly rendered harmless by physical, chemical or biological processes in the sea, provided that they do not:

(i) Make edible marine organisms unpalatable; or

(ii) Endanger human or animal health.

B

This annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1-6 above as trace contaminants. The dumping of such wastes shall be subject to the provisions of annexes II and III as appropriate.

ANNEX II

The following wastes and other matter, the dumping of which requires special care, are listed for the purposes of article 5.

1. (i) Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds;

(ii) Cyanides and fluorides;

(iii) Pesticides and their by-products not covered in annex I;

(iv) Synthetic organic chemicals, other than those referred to in annex I, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable.

2. (i) Acid and alkaline compounds the composition and quantity of which have not yet been determined in accordance with the procedure referred to in annex I paragraph A.8.

(ii) Acid and alkaline compounds not covered by annex I, excluding compounds to be dumped in quantities below thresholds which shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.

3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

4. Substances which, though of a non-toxic nature, may become harmful owing to the quantities in which they are dumped, or which are liable to reduce amenities seriously or to endanger human life or marine organisms or to interfere with navigation.

5. Radioactive waste or other radioactive matter which will not be included in annex I. In the issue of permits for the dumping of this matter, the Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account article 7 include:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average compositions of matter dumped (e.g. per year).

2. Form (e.g. solid, sludge, liquid or gaseous).

3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).

4. Toxicity.

5. Persistence: physical, chemical and biological.

6. Accumulation and biotransformation in biological materials or sediments.

7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.

8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).

2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).

3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.

5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).

6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients and productivity).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).

9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations.

C. GENERAL CONSIDERATIONS AND CONDITIONS

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, sea-weed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination or of treatment to render the matter less harmful for sea dumping.

Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, Barcelona, 1976

Done at Barcelona 16 February 1976

*Entered into force 12 February 1978**

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing that grave pollution of the sea by oil and other harmful substances in the Mediterranean Sea Area involves a danger for the coastal States and the marine ecosystem,

Considering that the co-operation of all the coastal States of the Mediterranean is called for to combat this pollution,

Bearing in mind the International Convention for the Prevention of Pollution from Ships, 1973, the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973,

Further taking into account the International Convention on Civil Liability for Oil Pollution Damage, 1969,

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall co-operate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea

*This Protocol is not in force for the United States.

within the area defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

Article 2

For the purpose of this Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

(*a*) Activities in coastal waters, in ports or estuaries, including fishing activities;

(*b*) The historical and tourist appeal of the area in question, including water sports and recreation;

(*c*) The health of the coastal population;

(*d*) The preservation of living resources.

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article 4

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on the situation referred to in article 1 of this Protocol.

Article 5

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the Parties shall co-operate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

Article 6

1. Each Party undertakes to disseminate to the other Parties information concerning:

(*a*) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;

(*b*) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

(*c*) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and the development of research programmes.

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional centre. The latter shall communicate this information to the other

Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

Article 7

The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

Article 8

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with annex I to this Protocol, either to a Party or to the regional centre:

(*a*) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(*b*) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties likely to be affected by the pollution:

(*a*) By the Party which has received the information, either directly or preferably, through the regional centre; or

(*b*) By the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

Article 9

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

(*a*) Make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed or drift of the spillage;

(*b*) Take every practicable measure to avoid or reduce the effects of pollution;

(*c*) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to combat the pollution;

(*d*) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party which takes such action shall inform the Inter-Governmental Maritime Consultative Organization.

Article 10

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, co-ordinate the activity of the facilities put into operation by these Parties.

Article 11

The application of the relevant provisions of articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with the said regional centre.

Article 12

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

(*a*) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(*b*) To review and amend as required any annex to this Protocol;

(*c*) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 13

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

Contents of the report to be made pursuant to article 8 of this Protocol

1. Each report shall, as far as possible, contain, in general:

(*a*) The identification of the source of pollution (identity of the ship, where appropriate);

(*b*) The geographic position, time and date of the occurrence of the incident or of the observation;

(*c*) The wind and sea conditions prevailing in the area;

(*d*) Where the pollution originates from a ship, relevant details respecting the condition of the ship.

2. Each report shall contain, whenever possible, in particular:

(*a*) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(*b*) A statement or estimate of the quantities, concentrations and likely condition of harmful substances discharged or likely to be discharged into the sea;

(*c*) Where relevant, a description of the packaging and identifying marks; and

(*d*) The name of the consignor, consignee or manufacturer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 8, paragraph 1, of this Protocol shall:

(*a*) Supplement as far as possible the initial report, as necessary, with information concerning further developments; and

(*b*) Comply as fully as possible with requests from affected States for additional information.

Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, Athens, 1980

Done at Athens 17 May 1980

*Entered into force 17 June 1983**

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Desirous of implementing article 4, paragraph 2, and articles 8 and 15 of the said Convention,

Noting the rapid increase of human activities in the Mediterranean Sea Area, particularly in the fields of industrialization and urbanization, as well as the seasonal increase in the coastal population due to tourism,

Recognizing the danger posed to the marine environment and to human health by pollution from land-based sources and the serious problems resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to the release of untreated, insufficiently treated or inadequately disposed of domestic or industrial discharges,

Recognizing the differences in levels of development between the coastal States, and taking account of the economic and social imperatives of the developing countries,

Determined to take in close co-operation the necessary measures to protect the Mediterranean Sea against pollution from land-based sources,

Have agreed as follows:

* This Protocol is not in force for the United States.

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate, combat and control pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Article 2

For the purposes of this Protocol:

(*a*) "The Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976;

(*b*) "Organization" means the body referred to in article 13 of the Convention;

(*c*) "Freshwater limit" means the place in watercourses where, at low tides and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water.

Article 3

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be:

(*a*) The Mediterranean Sea Area as defined in article 1 of the Convention;

(*b*) Waters on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;

(*c*) Saltwater marshes communicating with the sea.

Article 4

1. This Protocol shall apply:

(*a*) To polluting discharges reaching the Protocol Area from land-based sources within the territories of the Parties, in particular:

directly, from outfalls discharging into the sea or through coastal disposal;

indirectly, through rivers, canals or other watercourses, including underground watercourses, or through run-off;

(*b*) To pollution from land-based sources transported by the atmosphere, under conditions to be defined in an additional annex to this Protocol and accepted by the Parties in conformity with the provisions of article 17 of the Convention.

2. This Protocol shall also apply to polluting discharges from fixed man-made offshore structures which are under the jurisdiction of a Party and which serve purposes other than exploration and exploitation of mineral resources of the continental shelf and the sea-bed and its subsoil.

Article 5

1. The Parties undertake to eliminate pollution of the Protocol Area from land-based sources by substances listed in annex I to this Protocol.

2. To this end they shall elaborate and implement, jointly or individually, as appropriate, the necessary programmes and measures.

3. These programmes and measures shall include, in particular, common emission standards and standards for use.

4. The standards and the time-tables for the implementation of the programmes and measures aimed at eliminating pollution from land-based sources shall be fixed by the Parties and periodically reviewed, if necessary every two years, for each of the substances listed in annex I, in accordance with the provisions of article 15 of this Protocol.

Article 6

1. The Parties shall strictly limit pollution from land-based sources in the Protocol Area by substances or sources listed in annex II to this Protocol.

2. To this end they shall elaborate and implement, jointly or individually, as appropriate, suitable programmes and measures.

3. Discharges shall be strictly subject to the issue, by the competent national authorities, of an authorization taking due account of the provisions of annex III to this Protocol.

Article 7

1. The Parties shall progressively formulate and adopt, in co-operation with the competent international organizations, common guidelines and, as appropriate, standards or criteria dealing in particular with:

(*a*) The length, depth and position of pipelines for coastal outfalls, taking into account, in particular, the methods used for pretreatment of effluents;

(*b*) Special requirements for effluents necessitating separate treatment;

(*c*) The quality of sea-water used for specific purposes that is necessary for the protection of human health, living resources and ecosystems;

(*d*) The control and progressive replacement of products, installations and industrial and other processes causing significant pollution of the marine environment;

(*e*) Specific requirements concerning the quantities of the substances listed in annexes I and II discharged, their concentration in effluents and methods of discharging them.

2. Without prejudice to the provisions of article 5 of this Protocol, such common guidelines, standards or criteria shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real absorptive capacity of the marine environment.

3. The programmes and measures referred to in articles 5 and 6 shall be adopted by taking into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Article 8

Within the framework of the provisions of, and the monitoring programmes provided for in, article 10 of the Convention, and if necessary in co-operation with the competent international organizations, the Parties shall carry out at the earliest possible date monitoring activities in order:

(*a*) Systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the substances or sources listed in annexes I and II, and periodically to provide information in this respect;

(*b*) To evaluate the effects of measures taken under this Protocol to reduce pollution of the marine environment.

Article 9

In conformity with article 11 of the Convention, the Parties shall co-operate as far as possible in scientific and technological fields related to pollution from land-based sources, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination. To this end the Parties shall, in particular, endeavour to:

(*a*) Exchange scientific and technical information;

(*b*) Co-ordinate their research programmes.

Article 10

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, co-operate with a view to formulating and, as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, education and technology, with a view to preventing pollution from land-based sources and its harmful effects in the marine environment.

2. Technical assistance would include, in particular, the training of scientific and technical personnel, as well as the acquisition, utilization and production by those countries of appropriate equipment on advantageous terms to be agreed upon among the Parties concerned.

Article 11

1. If discharges from a watercourse which flows through the territories of two or more Parties or forms a boundary between them are likely to cause pollution of the marine environment of the Protocol Area, the Parties in question, respecting the provisions of this Protocol in so far as each of them is concerned, are called upon to co-operate with a view to ensuring its full application.

2. A Party shall not be responsible for any pollution originating on the territory of a non-contracting State. However, the said Party shall endeavour to co-operate with the said State so as to make possible full application of the Protocol.

Article 12

1. Taking into account article 22, paragraph 1, of the Convention, when land-based pollution originating from the territory of one Party is likely to prejudice directly the interests of one or more of the other Parties, the Parties concerned shall, at the request of one or more of them, undertake to enter into consultation with a view to seeking a satisfactory solution.

2. At the request of any Party concerned, the matter shall be placed on the agenda of the next meeting of the Parties held in accordance with article 14 of this Protocol; the meeting may make recommendations with a view to reaching a satisfactory solution.

Article 13

1. The Parties shall inform one another through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the collection and submission of such information shall be determined at the meetings of the Parties.

2. Such information shall include, *inter alia*:

(*a*) Statistical data on the authorizations granted in accordance with article 6 of this Protocol;

(*b*) Data resulting from monitoring as provided for in article 8 of this Protocol;

(*c*) Quantities of pollutants discharged from their territories;

(*d*) Measures taken in accordance with articles 5 and 6 of this Protocol.

Article 14

1. Ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties may also hold extraordinary meetings in accordance with article 14 of the Convention.

2. The functions of the meetings of the Parties to this Protocol shall be, *inter alia*:

(*a*) To keep under review the implementation of this Protocol and to consider the efficacy of the measures adopted and the advisability of any other measures, in particular in the form of annexes;

(*b*) To revise and amend any annex to this Protocol, as appropriate;

(*c*) To formulate and adopt programmes and measures in accordance with articles 5, 6 and 15 of this Protocol;

(*d*) To adopt, in accordance with article 7 of this Protocol, common guidelines, standards or criteria, in any form decided upon by the Parties;

(*e*) To make recommendations in accordance with article 12, paragraph 2, of this Protocol;

(*f*) To consider the information submitted by the Parties under article 13 of this Protocol;

(*g*) To discharge such other functions as may be appropriate for the application of this Protocol.

Article 15

1. The meeting of the Parties shall adopt, by a two-thirds majority, the programmes and measures for the abatement or the elimination of pollution from land-based sources which are provided for in articles 5 and 6 of this Protocol.

2. The Parties which are not able to accept a programme or measures shall inform the meeting of the Parties of the action they intend to take as regards the programme or measures concerned, it being understood that these Parties may, at any time, give their consent to the programme or measures that have been adopted.

Article 16

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

3. This Protocol shall be open for signature, at Athens from 17 May 1980 to 16 June 1980, and at Madrid from 17 June 1980 to 16 May 1981, by any State invited to the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources held at Athens from 12 May to 17 May 1980. It shall also be open until the same dates for signature by the European Economic Community and by any similar regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea Area and which exercises competence in fields covered by this Protocol.

4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

5. As from 17 May 1981, this Protocol shall be open for accession by the States referred to in paragraph 3 above, by the European Economic Community and by any grouping referred to in that paragraph.

6. This Protocol shall enter into force on the thirtieth day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 3 of this article.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Athens on this seventeenth day of May one thousand nine hundred and eighty in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

A

The following substances, families and groups of substances are listed, not in order of priority, for the purposes of article 5 of this Protocol. They have been selected mainly on the basis of their

Toxicity;

Persistence;

Bioaccumulation.

1. Organohalogen compounds and substances which may form such compounds in the marine environment.[1]

2. Organophosphorus compounds and substances which may form such compounds in the marine environment.[1]

3. Organotin compounds and substances which may form such compounds in the marine environment.[1]

4. Mercury and mercury compounds.

5. Cadmium and cadmium compounds.

6. Used lubricating oils.

[1] With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.

8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.

9. Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment.

B

The present annex does not apply to discharges which contain substances listed in section A that are below the limits defined jointly by the Parties.

ANNEX II

A

The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purposes of article 6 of this Protocol, have been selected mainly on the basis of criteria used for annex I, while taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.

1. The following elements and their compounds:

1. zinc	6. selenium	11. tin	16. vanadium
2. copper	7. arsenic	12. barium	17. cobalt
3. nickel	8. antimony	13. beryllium	18. thallium
4. chromium	9. molybdenum	14. boron	19. tellurium
5. lead	10. titanium	15. uranium	20. silver

2. Biocides and their derivatives not covered in annex I.

3. Organosilicon compounds and substances which may form such compounds in the marine environment, excluding those which are biologically harmless or are rapidly converted into biologically harmless substances.

4. Crude oils and hydrocarbons of any origin.

5. Cyanides and fluorides.

6. Non-biodegradable detergents and other surface-active substances.

7. Inorganic compounds of phosphorus and elemental phosphorus.

8. Pathogenic micro-organisms.

9. Thermal discharges.

10. Substances which have a deleterious effect on the taste and/or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.

11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.

12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea-water.

13. Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are discharged.

B

The control and strict limitation of the discharge of substances referred to in section A above must be implemented in accordance with annex III.

ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in annex II or in section B of annex I to this Protocol, particular account will be taken, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

1. Type and size of waste source (e.g. industrial process).

2. Type of waste (origin, average composition).

3. Form of waste (solid, liquid, sludge, slurry).

4. Total amount (volume discharged, e.g. per year).

5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).

6. Concentrations with respect to major constituents, substances listed in annex I, substances listed in annex II, and other substances as appropriate.

7. Physical, chemical and biochemical properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.

2. Toxicity and other harmful effects.

3. Accumulation in biological materials or sediments.

4. Biochemical transformation producing harmful compounds.

5. Adverse effects on the oxygen content and balance.

6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographical characteristics of the coastal area.

2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.

3. Initial dilution achieved at the point of discharge into the receiving marine environment.

4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing.

5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.

6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

(*a*) Alternative treatment processes;

(*b*) Re-use or elimination methods;

(*c*) On-land disposal alternatives; and

(*d*) Appropriate low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human health through pollution impact on:

   (*a*) Edible marine organisms;

   (*b*) Bathing waters;

   (*c*) Aesthetics.

2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats.

3. Effects on other legitimate uses of the sea.

APPENDIX

Status as at 30 October 1981 of the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols

States	*Convention*		*Dumping*[a]		*Emergency*[b]		*Land-Based Sources*[c]	
	Signature	*Ratification*	*Signature*	*Ratification*	*Signature*	*Ratification*	*Signature*	*Ratification*
Albania	—	—	—	—	—	—	—	—
Algeria	—	16 Mar 81[e]	—	16 Mar 81[e]	—	16 Mar 81[e]	—	—
Cyprus	16 Feb 76	19 Nov 79	16 Feb 76	19 Nov 79	16 Feb 76	19 Nov 79	17 May 81	—
Egypt	16 Feb 76	24 Aug 78[f]	16 Feb 76	24 Aug 78[f]	16 Feb 76	24 Aug 78[f]	—	—
France[d]	16 Feb 76	11 Mar 78[f]	16 Feb 76	11 Mar 78[f]	16 Feb 76	11 Mar 78[f]	17 May 81	—
Greece	16 Feb 76	3 Jan 79	11 Feb 77	3 Jan 79	16 Feb 76	3 Jan 79	17 May 81	—
Israel	16 Feb 76	3 Mar 78	16 Feb 76	—	16 Feb 76	3 Mar 78	18 May 81	—
Italy	16 Feb 76	3 Feb 79	16 Feb 76	3 Feb 79	16 Feb 76	3 Feb 79	17 May 81	—
Lebanon	16 Feb 76	8 Nov 77[e]	16 Feb 76	8 Nov 77[e]	16 Feb 76	8 Nov 77[e]	17 May 81	—
Libya	31 Jan 77	31 Jan 79	31 Jan 77	31 Jan 79	31 Jan 77	31 Jan 79	17 May 81	—
Malta	16 Feb 76	30 Dec 77	16 Feb 76	30 Dec 77	16 Feb 76	30 Dec 77	17 May 81	—
Monaco	16 Feb 76	20 Sep 77	16 Feb 76	20 Sep 77	16 Feb 76	20 Sep 77	17 May 81	—
Morocco	16 Feb 76	15 Jan 80	16 Feb 76	15 Jan 80	16 Feb 76	15 Jan 80	17 May 81	—
Spain	16 Feb 76	17 Dec 76	16 Feb 76	17 Dec 76	16 Feb 76	17 Dec 76	17 May 81	—
Syria	—	26 Dec 78[d,e]	—	26 Dec 78[e]	—	26 Dec 78[e]	—	—
Tunisia	25 May 76	30 Jul 77	25 May 76	30 Jul 77	25 May 76	30 Jul 77	17 May 81	—
Turkey	16 Feb 76	6 Apr 81	16 Feb 76	6 Apr 81	16 Apr 76	6 Apr 81	—	—
Yugoslavia	15 Sep 76	13 Jan 78	15 Sep 76	13 Jan 78	15 Sep 76	13 Jan 78	—	—
EEC	13 Sep 76	16 May 78[f]	13 Sep 76	16 May 78[f]	13 Sep 76	12 Aug 81[f]	17 May 81	—

[a] Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft.

[b] Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency.

[c] Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources.

[d] With reserve.

[e] Accession.

[f] Approval.

Protocol Concerning Mediterranean Specially Protected Areas, Geneva, 1982

Done at Geneva 3 April 1982

*Entered into force 23 March 1986**

Primary source citation: Copy of text provided by the United Nations

PROTOCOL CONCERNING MEDITERRANEAN SPECIALLY PROTECTED AREAS

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Conscious of the danger threatening the environment of the Mediterranean Sea Area as a whole, in view of the increasing human activities in the region,

Taking into account the special hydrographic and ecological characteristics of the Mediterranean Sea Area,

Stressing the importance of protecting and, as appropriate, improving the state of the natural resources and natural sites of the Mediterranean Sea, as well as of their cultural heritage in the region, among other means by the establishment of specially protected areas including marine areas and their environment,

Desirous of establishing close co-operation among themselves in order to achieve that objective,

Have agreed as follows:

Article 1

1. The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures with a view to protecting those marine areas which are important for the safeguard of the natural resources and natural sites of the Mediterranean Sea Area, as well as for the safeguard of the cultural heritage in the region.

2. Nothing in this Protocol shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

* This Protocol is not in force for the United States.

Article 2

For the purposes of the designation of specially protected areas (hereinafter referred to as "protected areas"), the area to which this Protocol applies shall be the Mediterranean Sea Areas as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention"); it being understood that, for the purposes of the present Protocol, it shall be limited to the territorial waters of the Parties and may include waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit. It may also include wetlands or coastal areas designated by each of the Parties.

Article 3

1. The Parties shall, to the extent possible, establish protected areas and shall endeavour to undertake the action necessary in order to protect those areas and, as appropriate, restore them, as rapidly as possible.

2. Such areas shall be established in order to safeguard in particular:

a) — sites of biological and ecological value;

— the genetic diversity, as well as satisfactory population levels, of species, and their breeding grounds and habitats;

— representative types of ecosystems, as well as ecological processes;

b) sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest.

Article 4

The Parties to this Protocol shall, at their first meeting, formulate and adopt, if necessary in co-operation with the competent international organizations, common guidelines and, if needed, standards or criteria dealing in particular with:

a) the selection of protected areas;

b) the establishment of protected areas;

c) the management of protected areas;

d) the notification of information on protected areas.

Article 5

The Parties may strengthen the protection of a protected area by establishing, within the area to which this Protocol applies, one or more buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected area.

Article 6

1. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to consult each

other with a view to reaching agreement on the measures to be taken and shall, among other things, examine the possibility of the establishment by the other Party of a corresponding protected area or the adoption by it of any other appropriate measure.

2. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a State which is not a party to this Protocol, the Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in the preceding paragraph.

3. If contiguous protected areas are established by two Parties, or by one Party and by a State which is not a party to this Protocol, special agreements may provide for the means whereby the consultation or the collaboration contemplated in paragraphs 1 and 2 respectively may take place.

4. If a State which is not a party to this Protocol intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding consultations, and possibly concluding a special agreement as referred to in paragraph 3.

Article 7

The Parties, having regard to the objectives pursued and taking into account the characteristics of each protected area, shall, in conformity with the rules of international law, progressively take the measures required, which may include:

a) the organization of a planning and management system;

b) the prohibition of the dumping or discharge of wastes or other matter which may impair the protected area;

c) the regulation of the passage of ships and any stopping or anchoring;

d) the regulation of fishing and hunting and of the capture of animals and of harvesting of plants;

e) the prohibition of the destruction of plant life or animals and of the introduction of exotic species;

f) the regulation of any act likely to harm or disturb the fauna or flora, including the introduction of indigenous zoological or botanical species;

g) the regulation of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;

h) the regulation of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the land part of a marine protected area;

i) the regulation of any archaeological activity and of the removal of any object which may be considered as an archaeological object;

j) the regulation of trade in and import and export of animals, parts of animals, plants, parts of plants and archaeological objects which originate in protected areas and are subject to measures of protection;

k) any other measure aimed at safeguarding ecological and biological processes in protected areas.

Article 8

1. The Parties shall give appropriate publicity to the establishment of protected areas, as well as of the areas provided for in article 5, and to their markings and the regulations applying thereto.

2. The information referred to in the preceding paragraph shall be notified to the Organization designated in article 13 of the Convention (hereinafter referred to as "the Organization") which shall compile and keep up to date a directory of protected areas in the area to which this Protocol applies. The Parties shall supply the Organization with all the information necessary for that purpose.

Article 9

1. The Parties shall, in promulgating protective measures, take into account the traditional activities of their local populations. To the fullest extent possible, no exemption which is allowed for this reason shall be such as:

a) to endanger either the maintenance of ecosystems protected under the terms of the present protocol or the biological processes contributing to the maintenance of those ecosystems;

b) to cause either the extinction of, or any substantial reduction in, the number of individuals making up the species or animal and plant populations within the protected ecosystems, or any ecologically connected species or populations, particularly migratory species and rare, endangered or endemic species.

2. Parties which allow exemptions with regard to protective measures or do not apply such measures strictly shall inform the Organization accordingly.

Article 10

The Parties shall encourage and develop scientific and technical research on their protected areas and on the ecosystems and archaeological heritage of those areas.

Article 11

The Parties shall endeavour to inform the public as widely as possible of the significance and interest of the protected areas and of the scientific knowledge which may be gained from them from the point of view of both nature conservation and archaeology. Such information should have an appropriate place in education programmes concerning the environment and history. The Parties should also endeavour to promote the participation of their public and their nature conservation organizations in appropriate measures which are necessary for the protection of the areas concerned.

Article 12

The Parties shall, to the extent possible, establish a co-operation programme to co-ordinate the establishment, planning, management and conservation of protected areas, with a view to creating a network of protected areas in the Mediterranean region, taking fully into account existing networks, especially that of biosphere reserves of UNESCO. There shall be regular exchanges of information concerning the characteristics of the protected areas, the experience acquired and the problems encountered.

Article 13

The Parties shall, in accordance with the procedures set forth in article 14, exchange scientific and technical information concerning current or planned research and the results expected. They shall, to the fullest extent possible, co-ordinate their research. They shall, moreover, endeavour to define jointly or to standardize the scientific methods to be applied in the selection, management and monitoring of protected areas.

Article 14

1. In applying the principles of co-operation set forth in articles 12 and 13, the Parties shall forward to the Organization:

a) comparable information for monitoring the biological development of the Mediterranean environment;

b) reports, publications and information of a scientific, administrative and legal nature, in particular:

— on the measures taken by the Parties in pursuance of this Protocol for the protection of the protected areas;

— on the species present in the protected areas;

— on any threats to those areas, especially those which may come from sources of pollution outside their control.

2. The Parties shall designate persons responsible for protected areas. Those persons shall meet at least once every two years to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

Article 15

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, co-operate, on the entry into force of this Protocol, in formulating and implementing programmes of mutual assistance and of assistance to those developing countries which express a need for it in the selection, establishment and management of protected areas.

2. The programmes contemplated in the preceding paragraph should relate, in particular, to the training of scientific and technical personnel, scientific research, and the acquisition, utilization and production by those countries of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 16

Changes in the delimitation or legal status of a protected area or the suppression of all or part of such an area may not take place except under a similar procedure to that followed for its establishment.

Article 17

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with that article.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

a) to keep under review the implementation of this Protocol;

b) to consider the efficacy of the measures adopted, having regard in particular to the area to which the Protocol applies, and to examine the need for other measures, in particular in the form of annexes, or for envisaging, if necessary, an alteration to that area, in conformity with the provisions of article 16 of the Convention;

c) to adopt, review and amend as required any annex to this Protocol;

d) to monitor the establishment and development of the network of protected areas provided by article 12, and to adopt guidelines to facilitate the establishment and development of that system and to increase co-operation among the Parties;

e) to consider the recommendations made by the meetings of the persons responsible for the protected areas, as provided by article 14, paragraph 2;

f) to consider reports transmitted by the Parties to the Organization under article 20 of the Convention and any other information which the Parties may transmit to the Organization or to the meeting of the Parties.

Article 18

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18, paragraph 2, of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

3. This Protocol shall be open for signature, at Geneva on 3 and 4 April 1982, and at Madrid from 5 April 1982 to 2 April 1983 by any Contracting Party to the Convention and any State invited to the Conference of Plenipotentiaries on the Protocol concerning Mediterranean Specially Protected Areas held at Geneva on 2 and 3 April 1982. It shall also be open for signature from 5 April 1983 by any regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea Area and which exercises competence in fields covered by this Protocol.

4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

5. As from 3 April 1983, this Protocol shall be open for accession by the Contracting Parties to the Convention and by any State or grouping referred to in paragraph 3.

6. This Protocol shall enter into force on the thirtieth day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE AT Geneva on this third day of April one thousand nine hundred and eighty-two in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources, London, 1977

Done at London 1 May 1977

Not in force

Depositary: United Kingdom

Primary source citation: 16 ILM 1451 (1977)

CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE RESULTING FROM EXPLORATION FOR AND EXPLOITATION OF SEABED MINERAL RESOURCES

The States Parties to this Convention,

Conscious of the dangers of oil pollution posed by the exploration for, and exploitation of, certain seabed mineral resources,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by such pollution,

Desiring to adopt uniform rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. (*a*) "Oil" means crude oil and natural gas liquids, whether or not such oil or liquids are mixed with or present in other substances; and

(*b*) "crude oil" includes crude oil treated to render it suitable for transmission, for example, by adding or removing certain fractions.

2. "Installation" means:

(*a*) any well or other facility, whether fixed or mobile, which is used for the purpose of exploring for, producing, treating, storing, transmitting or regaining control of the flow of crude oil from the seabed or its subsoil;

(*b*) any well which has been used for the purpose of exploring for, producing or regaining control of the flow of crude oil from the seabed or its subsoil and which has been abandoned after the entry into force of this Convention for the Controlling State concerned;

(*c*) any well which is used for the purpose of exploring for, producing or regaining control of the flow of gas or natural gas liquids from the seabed or its subsoil during the period that any such well is being drilled, including completion, or worked upon except for normal maintenance operations;

(*d*) any well which is used for the purpose of exploring for any mineral resources other than crude oil, gas or natural gas liquids, where such exploration involves the deep penetration of the subsoil of the seabed; and

(*e*) any facility which is normally used for storing crude oil from the seabed or its subsoil;

which, or a substantial part of which, is located seaward of the low-water line along the coast as marked on large-scale charts officially recognized by the Controlling State;

provided, however, that

(i) where a well or a number of wells is directly connected to a platform or similar facility, the well or wells together with such platform or facility shall constitute one installation; and

(ii) a ship as defined in the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969, shall not be considered to be an installation.

3. "Operator" means the person, whether licensee or not, designated as operator for the purposes of this Convention by the Controlling State, or, in the absence of such designation, the person who is in overall control of the activities carried on at the installation.

4. "Controlling State" means the State Party which exercises sovereign rights for the purpose of exploring for and exploiting the resources of the seabed and its subsoil in the area in or above which the installation is situated. In the case of an installation extending over areas in which two or more States Parties exercise such rights, these States may agree which of them shall be the Controlling State.

5. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

6. "Pollution damage" means loss or damage outside the installation caused by contamination resulting from the escape or discharge of oil from the installation and includes the cost of preventive measures and further loss or damage outside the installation caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person in relation to a particular incident to prevent or minimize pollution damage with the exception of well control measures and measures taken to protect, repair or replace an installation.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Special Drawing Right" means Special Drawing Right as defined by the International Monetary Fund and used for its own operations and transactions.

ARTICLE 2

This Convention shall apply exclusively to pollution damage:

(*a*) resulting from an incident which occurred beyond the coastal low-water line at an installation under the jurisdiction of a Controlling State, and

(*b*) suffered in the territory, including the internal waters and territorial sea, of a State Party or in the areas in which, in accordance with international law, it has sovereign rights over natural resources,

and to preventive measures, wherever taken, to prevent or minimize such pollution damage.

ARTICLE 3

1. Except as provided in paragraphs 3, 4 and 5 of this Article, the operator of the installation at the time of an incident shall be liable for any pollution damage resulting from the incident. When the incident consists of a series of occurrences, liability for pollution damage arising out of each occurrence shall attach to the operator of the installation at the time of that occurrence.

2. Where an installation has more than one operator they shall be jointly and severally liable.

3. No liability for pollution damage shall attach to the operator if he proves that the damage resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character.

4. No liability for pollution damage shall attach to the operator of an abandoned well if he proves that the incident which caused the damage occurred more than five years after the date on which the well was abandoned under the authority and in accordance with the requirements of the Controlling State. Where a well has been abandoned in other circumstances, the liability of the operator shall be governed by the applicable national law.

5. If the operator proves that the pollution damage resulted wholly or partly either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the operator may be exonerated wholly or partly from his liability to such person.

ARTICLE 4

1. No claim for compensation for pollution damage shall be made against the operator otherwise than in accordance with this Convention.

2. No claim for compensation for pollution damage under this Convention or otherwise may be made against the servants or agents of the operator.

3. Nothing in this Convention shall prejudice the question whether the operator liable for damage in accordance with its provisions has a right of recourse.

ARTICLE 5

1. When oil has escaped or has been discharged from two or more installations, and pollution damage results therefrom, the operators of all the installations concerned, unless exonerated under Article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

2. When oil has escaped or has been discharged from one installation as a result of an incident, and pollution damage results therefrom, and during the course of the incident there is a change of operator, all operators

of the installation, unless exonerated under Article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

ARTICLE 6

1. The operator shall be entitled to limit his liability under this Convention for each installation and each incident to the amount of 30 million Special Drawing Rights until five years have elapsed from the date on which the Convention is opened for signature and to the amount of 40 million Special Drawing Rights thereafter.

2. Where operators of different installations are liable in accordance with paragraph 1 of Article 5, the liability of the operator of any one installation shall not for any one incident exceed any limit which may be applicable to him in accordance with the provisions of this Article and of Article 15.

3. Where in the case of any one installation more than one operator is liable under this Convention, the aggregate liability of all of them in respect of any one incident shall not exceed the highest amount that could be awarded against any of them, but none of them shall be liable for an amount in excess of the limit applicable to him.

4. The operator shall not be entitled to limit his liability if it is proved that the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result.

5. For the purpose of availing himself of the benefit of limitation to which he may be entitled under paragraph 1 of this Article, the operator shall constitute a fund for the total sum representing the limit of his liability with the court or other competent authority of any one of the States Parties in which action is brought under Article 11. A fund constituted by one of the operators mentioned in paragraph 2 of Article 3 shall be deemed to be constituted by all of them. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the State Party where the fund is constituted, and considered to be adequate by the court or other competent authority.

6. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

7. If before the fund is distributed the operator or any of his servants or agents or any person providing him with insurance or other financial security has, as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

8. The right of subrogation provided for in paragraph 7 of this Article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

9. Where the operator or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraph 7 or 8 of this Article, had the compensation been paid before the fund was distributed, the court or other competent authority of the State Party where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

10. An operator who has taken preventive measures shall in respect of those measures have the same rights against the fund as any other claimant.

11. The amount referred to in paragraph 1 of this Article shall be converted into the national currency of the State Party in which the fund is constituted on the basis of the value of that currency by reference to the average, during the thirty days immediately preceding the date on which the fund is constituted, of the Special Drawing Rights as published by the International Monetary Fund.

12. The insurer or other person providing financial security shall be entitled, alone or together with the operator, to constitute a fund in accordance with this Article on the same conditions and having the same effect as if it were constituted by the operator. Such a fund may be constituted even where the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result, but the constitution of the fund shall in that case not prejudice the rights of any claimant against the operator.

ARTICLE 7

1. Where the operator, after an incident, has constituted a fund in accordance with Article 6 and is entitled to limit his liability:

(*a*) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the operator in respect of such claim;

(*b*) the court or other competent authority of any State Party shall order the release of any property belonging to the operator which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. Paragraph 1 of this Article shall, however, only apply if the claimant has access to the court administering the fund and the fund is actually available in respect of his claim.

ARTICLE 8

1. To cover his liability under this Convention, the operator shall be required to have and maintain insurance or other financial security to such amount, of such type and on such terms as the Controlling State shall specify, provided that that amount shall not be less than 22 million Special Drawing Rights until five years have elapsed from the date on which this Convention is opened for signature and not less than 35 million Special Drawing Rights thereafter. However the Controlling State may exempt the operator wholly or in part from the requirement to have and maintain such insurance or other financial security to cover his liability for pollution damage wholly caused by an act of sabotage or terrorism.

2. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security, before two months have elapsed from the date on which notice of its termination is given to the competent public authority of the Controlling State. The foregoing provision shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

3. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the operator's liability for pollution damage. In such case the liability of the defendant shall be limited to the amount specified in accordance with paragraph 1 of this Article irrespective of the fact that the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result. The defendant may further avail himself of the defences, other than the bankruptcy or winding-up of the operator, which the operator himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the operator himself, but the defendant may not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the operator against him. The defendant shall in any event have the right to require the operator to be joined in the proceedings.

4. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available in the first place for the satisfaction of claims under this Convention.

5. Where the operator is a State Party, the operator shall not be required to maintain insurance or other financial security to cover its liability.

ARTICLE 9

1. A Committee composed of a representative of each State Party is hereby established.

2. If a State Party considers that any of the amounts currently applicable under Article 6 or 8 is no longer adequate, or is otherwise unrealistic, it may convene a meeting of the Committee to consider the matter. States which have signed this Convention but are not yet Parties will be invited to participate in the work of the Committee as observers. The Committee may recommend to the States Parties an amendment to any of the amounts if representatives of at least three-quarters of the States Parties to this Convention vote in favour of such a recommendation. In making such a recommendation, the Committee shall take into account:

(*a*) any information concerning events causing or likely to cause pollution damage having a bearing on the objects of this Convention;

(*b*) any information on increases and decreases occurring after the entry into force of this Convention in the costs of goods and services of the kinds involved in the treatment and remedying of marine oil spillages;

(*c*) the availability of reliable insurance cover against the risk of liability for pollution damage.

3. Any amount recommended in accordance with paragraph 2 of this Article shall be notified by the depositary Government to all States Parties. It shall replace the amount currently applicable thirty days after its acceptance by all States Parties. A State Party which has not, within six months of such notification or such other period as has been specified in the recommendation, notified the depositary Government that it is unable to accept the recommended amount, shall be deemed to have accepted it.

4. If the recommended amount has not been accepted by all States Parties within six months, or such other period as has been specified in the recommendation, after it has been notified by the depositary Government it shall, thirty days thereafter, replace the amount currently applicable as between those States Parties which have accepted it. Any other State Party may subsequently accept the recommended amount which shall become applicable to it thirty days thereafter.

5. A State acceding to this Convention shall be bound by any recommendation of the Committee which has been unanimously accepted by States Parties. Where a recommendation has not been so accepted, an acceding State shall be deemed to have accepted it unless, at the time of its accession, that State notifies the depositary Government that it does not accept such a recommendation.

ARTICLE 10

Rights of compensation under this Convention shall be extinguished unless, within twelve months of the date on which the person suffering the damage knew or ought reasonably to have known of the damage, the claimant has in writing notified the operator of his claim or has brought an action in respect of it. However in no case shall an action be brought after four years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the four years' period shall run from the date of the last occurrence.

ARTICLE 11

1. Actions for compensation under this Convention may be brought only in the courts of any State Party where pollution damage was suffered as a result of the incident or in the courts of the Controlling State. For the purpose of determining where the damage was suffered, damage suffered in an area in which, in accordance with international law, a State has sovereign rights over natural resources shall be deemed to have been suffered in that State.

2. Each State Party shall ensure that its courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article 6, the courts of the State Party in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

ARTICLE 12

1. Any judgment given by a court with jurisdiction in accordance with Article 11, which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any State Party, except:

(*a*) where the judgment was obtained by fraud; or

(*b*) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened, nor a reconsideration of the applicable law.

ARTICLE 13

Where a State Party is the operator, such State shall be subject to suit in the jurisdictions set forth in Article 11 and shall waive all defences based on its status as a sovereign State.

ARTICLE 14

No liability shall arise under this Convention for damage caused by a nuclear incident:

(*a*) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or if the operator of a nuclear ship is liable for such damage under the Brussels Convention of 25 May 1962 on the Liability of Operators of Nuclear Ships; or

(*b*) if the operator of a nuclear installation or the operator of a nuclear ship is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as, in the case of the operator of a nuclear installation, either the Paris or the Vienna Convention or, in the case of the operator of a nuclear ship, the Brussels Convention.

ARTICLE 15

1. This Convention shall not prevent a State from providing for unlimited liability or a higher limit of liability than that currently applicable under Article 6 for pollution damage caused by installations for which it is the Controlling State and suffered in that State or in another State Party; provided however that in so doing it shall not discriminate on the basis of nationality. Such provision may be based on the principle of reciprocity.

2. The courts of each State Party shall apply the law of the Controlling State in order to determine whether the operator is entitled under the provisions of this Article and paragraph 1 of Article 6 to limit his liability and, if so, the amount of such liability.

3. Nothing in this Article shall affect the amount of compensation available for pollution damage suffered in States Parties in respect of which the provision made in accordance with paragraph 1 of this Article does not apply.

4. For the purposes of this Article, pollution damage suffered in a State Party means pollution damage suffered in the territory of that State or in the areas in which, in accordance with international law, it has sovereign rights over natural resources.

ARTICLE 16

This Convention shall be open for signature at London from 1 May 1977 until 30 April 1978 by the States invited to participate in the Intergovernmental Conference on the Convention on Civil Liability for Oil Pollution Damage from Offshore Operations, held there from 20 October to 31 October 1975 and from 13 December to 17 December 1976, and shall thereafter be open for accession by such States.

ARTICLE 17

This Convention shall be subject to ratification, acceptance or approval.

ARTICLE 18

The States Parties may unanimously invite to accede to this Convention other States which have coastlines on the North Sea, the Baltic Sea or that part of the Atlantic Ocean to the north of 36° North latitude.

ARTICLE 19

The instruments of ratification, acceptance, approval and accession shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 20

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fourth instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the fourth instrument, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument.

ARTICLE 21

A State Party may denounce this Convention at any time by means of a notice in writing addressed to the depositary Government. Any such denunciation shall take effect twelve months after the date on which the depositary Government has received such notice, or at such later date as may be specified in the notice.

ARTICLE 22

1. Any State may, at the time of ratification, acceptance, approval or accession or at any later date, declare by means of a notice in writing addressed to the depositary Government that this Convention shall apply to all or any of the territories for whose international relations it is responsible, provided that they are situated within the area defined in Article 18.

2. Such declaration shall take effect on the ninetieth day after its receipt by the depositary Government or, if on such date the Convention has not yet entered into force, from the date of its entry into force.

3. Each State Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article 21, denounce this Convention in relation to all or any of the territories concerned.

ARTICLE 23

Any State Party may, after having obtained the agreement of at least one-third of the States Parties, convene a Conference of States Parties for the revision or amendment of this Convention.

ARTICLE 24

No reservation may be made to this Convention.

ARTICLE 25

The depositary Government shall inform the States referred to in Article 16 and the acceding States:

(*a*) of signatures to this Convention, of the deposit of instruments of ratification, acceptance, approval or accession, of the receipt of notices in accordance with Article 22, and of the receipt of notices of denunciation;

(*b*) of the date on which the Convention will enter into force; and

(*c*) of the recommendations of the Committee convened under Article 9, of the acceptances and non-acceptances of such recommendations, and of the dates on which these recommendations take effect.

ARTICLE 26

The original of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall send certified copies thereof to the States referred to in Article 16 and the acceding States and which, upon its entry into force, shall transmit a certified copy to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at London this day of

Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution, Kuwait, 1978

Done at Kuwait 23 April 1978

*Entered into force 30 June 1979**

Depositary: Kuwait

Primary source citation: 17 ILM 511 (1978)

KUWAIT REGIONAL CONVENTION FOR CO-OPERATION ON THE PROTECTION OF THE MARINE ENVIRONMENT FROM POLLUTION

The Government of the STATE OF BAHRAIN,

The Imperial Government of IRAN,

The Government of the REPUBLIC OF IRAQ,

The Government of the STATE OF KUWAIT,

The Government of the SULTANATE OF OMAN,

The Government of the STATE OF QATAR,

The Government of the KINGDOM OF SAUDI ARABIA,

The Government of the UNITED ARAB EMIRATES,

REALIZING that pollution of the marine environment in the Region shared by Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities,

MINDFUL of the special hydrographic and ecological characteristics of the marine environment of the Region and its particular vulnerability to pollution,

CONSCIOUS of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment,

* This Convention is not in force for the United States.

CONVINCED of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment of the Region, jeopardize its living resources or create hazards to human health,

RECOGNIZING the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner,

RECOGNIZING ALSO the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the Region,

CONSIDERING that the States sharing the Region have a special responsibility to protect its marine environment,

AWARE of the importance of co-operation and co-ordination of action on a regional basis with the aim of protecting the marine environment of the Region for the benefit of all concerned, including future generations,

BEARING in mind the existing international conventions relevant to the present Convention,

HAVE AGREED as follows:

ARTICLE I

Definitions

For the purpose of the present Convention:

(a) "Marine pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting or likely to result in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea and reduction of amenities;

(b) "National Authority" means the authority designated by each Contracting State as responsible for the co-ordination of national efforts for implementing the Convention and its protocols;

(c) "Organization" means the organization established by the Contracting States in accordance with Article XVI;

(d) "Secretariat" means the organ of the Organization established in accordance with Article XVI;

(e) "Action Plan" means the Action Plan for the Development and Protection of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates adopted at the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978.

ARTICLE II

Geographical coverage

(a) The present Convention shall apply to the sea area in the Region bounded in the south by the following rhumb lines: from Ras Dharbat Ali in (16° 39′N, 53° 3′30″E) then to a position in (16° 00′N, 53° 25′E) then to a position in (17° 00′N, 56° 30′E) then to a position in (20° 30′N, 60° 00′E) then to Ras Al-Fasteh in (25° 04′N, 61° 25′E).
(Hereinafter referred to as the "Sea Area");

(b) The Sea Area shall not include internal waters of the Contracting States unless it is otherwise stated in the present Convention or in any of its protocols.

ARTICLE III

General obligations

(a) The Contracting States shall, individually and/or jointly, take all appropriate measures in accordance with the present Convention and those protocols in force to which they are party to prevent, abate and combat pollution of the marine environment in the Sea Area;

(b) In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency opened for signature at the same time as the present Convention, the Contracting States shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of the Convention;

(c) The Contracting States shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed in paragraph (a) of this article, and shall endeavour to harmonise their national policies in this regard and for this purpose appoint the Appropriate Authority;

(d) The Contracting States shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt regional standards, recommended practices and procedures to prevent, abate and combat pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention;

(e) The Contracting States shall use their best endeavour to ensure that the implementation of the present Convention shall not cause transformation of one type of pollution to another which could be more detrimental to the environment.

ARTICLE IV

Pollution from ships

The Contracting States shall take all appropriate measures in conformity with the present Convention and the applicable rules of international law to prevent, abate and combat pollution in the Sea Area caused by international or accidental discharges from ships, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution, including load-on-top, segregated ballast and crude oil washing procedures for tankers.

ARTICLE V

Pollution caused by dumping from ships and aircraft

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution as provided for in relevant international conventions.

ARTICLE VI

Pollution from land-based sources

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching the Sea Area whether water-borne, air-borne, or directly from the coast including outfalls and pipelines.

ARTICLE VII

Pollution resulting from exploration and exploitation of the bed of the territorial sea and its sub-soil and the continental shelf

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea and its sub-soil and the continental shelf, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

ARTICLE VIII

Pollution from other human activities

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution of the Sea Area resulting from land reclamation and associated suction dredging and coastal dredging.

ARTICLE IX

Co-operation in dealing with pollution emergencies

(a) The Contracting States shall, individually and/or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom;

(b) Any Contracting State which becomes aware of any pollution emergency in the Sea Area shall, without delay, notify the Organization referred to under Article XVI and, through the secretariat, any Contracting State likely to be affected by such emergency.

ARTICLE X

Scientific and technological co-operation

(a) The Contracting States shall co-operate directly, or, where appropriate, through competent international and regional organizations, in the field of scientific research, monitoring and assessment concerning pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention and any of its protocols;

(b) The Contracting States shall co-operate further to develop and co-ordinate national research and monitoring programmes relating to all types of pollution in the Sea Area and to establish in co-operation with competent regional or international organizations, a regional network of such programmes to ensure compat-

ible results. For this purpose, each Contracting State shall designate the National Authority responsible for pollution research and monitoring within the areas under its national jurisdiction. The Contracting States shall participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

ARTICLE XI

Environmental assessment

(a) Each Contracting State shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, which may cause significant risks of pollution in the Sea Area;

(b) The Contracting States may, in consultation with the secretariat, develop procedures for dissemination of information of the assessment of the activities referred to in paragraph (a) above;

(c) The Contracting States undertake to develop, individually or jointly, technical and other guidelines in accordance with standard scientific practice to assist the planning of their development projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

ARTICLE XII

Technical and other assistance

The Contracting States shall co-operate directly or through competent regional or international organizations in the development of programmes of technical and other assistance in fields relating to marine pollution in co-ordination with the Organization referred to in Article XVI.

ARTICLE XIII

Liability and compensation

The Contracting States undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

(a) civil liability and compensation for damage resulting from pollution of the marine environment, bearing in mind applicable international rules and procedures relating to those matters; and

(b) liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

ARTICLE XIV

Sovereign immunity

Warships or other ships owned or operated by a State, and used only on Government non-commercial service, shall be exempted from the application of the provisions of the present convention. Each Contracting State shall, as far as possible, ensure that its warships or other ships owned or operated by that State, and used only on Government

non-commercial service, shall comply with the present Convention in the prevention of pollution to the marine environment.

ARTICLE XV

Disclaimer

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting State in regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

ARTICLE XVI

Regional Organization for the Protection of the Marine Environment

(a) The Contracting States hereby establish a Regional Organization for the Protection of the Marine Environment, the permanent headquarters of which shall be located in Kuwait.

(b) The Organization shall consist of the following organs:

(i) a Council which shall be comprised of the Contracting States and shall perform the functions set forth in paragraph (d) of Article XVII;

(ii) a secretariat which shall perform the functions set forth in paragraph (a) of Article XVIII; and

(iii) a Judicial Commission for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be established at the first meeting of the Council.

ARTICLE XVII

Council

(a) The meetings of the Council shall be convened in accordance with paragraph (a) of Article XVIII and paragraph (b) of Article XXX. The Council shall hold ordinary meetings once a year. Extraordinary meetings of the Council shall be held upon the request of at least one Contracting State endorsed by at least one other Contracting State, or upon the request of the Executive Secretary endorsed by at least two Contracting States. Meetings of the Council shall be convened at the headquarters of the Organization or at any other place agreed upon by consultation amongst the Contracting States. Three-fourths of the Contracting States shall constitute a quorum.

(b) The Chairmanship of the Council shall be given to each Contracting State in turn in alphabetical order of the names of the States in the English language. The Chairman shall serve for a period of one year and cannot during the period of chairmanship serve as a representative of his State. Should the chairmanship fall vacant, the Contracting State chairing the Council shall designate a successor to remain in office until the term of chairmanship of that Contracting State expires.

(c) The voting procedure in the Council shall be as follows:

(i) each Contracting State shall have one vote;

(ii) decisions on substantive matters shall be taken by a unanimous vote of the Contracting States present and voting;

(iii) decisions on procedural matters shall be taken by three-fourths majority vote of the Contracting States present and voting.

(d) The functions of the Council shall be:

(i) to keep under review the implementation of the Convention and its protocols, and the Action Plan referred to in paragraph (e) of Article I;

(ii) to review and evaluate the state of marine pollution and its effects on the Sea Area on the basis of reports provided by the Contracting States and the competent international or regional organizations;

(iii) to adopt, review and amend as required in accordance with procedures established in Article XXI, the annexes to the Convention and to its protocols;

(iv) to receive and to consider reports submitted by the Contracting States under Articles IX and XXIII;

(v) to consider reports prepared by the secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization;

(vi) to make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols in accordance with Articles XIX and XX;

(vii) to establish subsidiary bodies and ad hoc working groups as required to consider any matters related to the Convention and its protocols and annexes to the Convention and its protocols;

(viii) to appoint an Executive Secretary and to make provision for the appointment by the Executive Secretary of such other personnel as may be necessary;

(ix) to review periodically the functions of the secretariat;

(x) to consider and to undertake any additional action that may be required for the achievement of the purposes of the Convention and its protocols.

ARTICLE XVIII

Secretariat

(a) The secretariat shall be comprised of an Executive Secretary and the personnel necessary to perform the following functions:

(i) to convene and to prepare the meetings of the Council and its subsidiary bodies and ad hoc working groups as referred to in Article XVII, and conferences as referred to in Articles XIX and XX;

(ii) to transmit to the Contracting States notifications, reports and other information received in accordance with Articles IX and XXIII;

(iii) to consider enquiries by, and information from, the Contracting States and to consult with them on questions relating to the Convention and its protocols and annexes thereto;

(iv) to prepare reports on matters relating to the Convention and to the administration of the Organization;

(v) to establish, maintain and disseminate an up-to-date collection of national laws of all States concerned relevant to the protection of the marine environment;

(vi) to arrange, upon request, for the provision of technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of the Convention and its protocols;

(vii) to arrange for training programmes in areas related to the implementation of the Convention and its protocols;

(viii) to carry out its assignments under the protocols to the Convention;

(ix) to perform such other functions as may be assigned to it by the Council for the implementation of the Convention and its protocols.

(b) The Executive Secretary shall be the chief administrative official of the Organization and shall perform the functions that are necessary for the administration of the present Convention, the work of the secretariat and other tasks entrusted to the Executive Secretary by the Council and as provided for in its rules of procedure and financial rules.

ARTICLE XIX

Adoption of additional protocols

Any Contracting State may propose additional protocols to the present Convention pursuant to paragraph (b) of Article III at a diplomatic conference of the Contracting States to be convened by the secretariat at the request of at least three Contracting States. Additional protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

ARTICLE XX

Amendments to the Convention and its protocols

(a) Any Contracting State to the present Convention or to any of its protocols may propose amendments to the Convention or to the protocol concerned at a diplomatic conference to be convened by the secretariat at the request of at least three Contracting States. Amendments to the Convention and its protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

(b) Amendments to the Convention or any protocol adopted by a diplomatic conference shall be submitted by the Depositary for acceptance by all Contracting States. Acceptance of amendments to the Convention or to any protocol shall be notified to the Depositary in writing. Amendments adopted in accordance with this article shall enter into force for all Contracting States, except those which have notified the Depositary of a different intention, on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three-fourths of the Contracting States to the Convention or any protocol concerned as the case may be.

(c) After the entry into force of an amendment to the Convention or to a protocol, any new Contracting State to the Convention or such protocol shall become a Contracting State to the instrument as amended.

ARTICLE XXI

Annexes and amendments to annexes

(a) Annexes to the Convention or to any protocol shall form an integral part of the Convention or such protocol.

(b) Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to the Convention or to any protocol:

(i) any Contracting State to the Convention or to a protocol may propose amendments to the annexes to the instrument in question at the meetings of the Council referred to in Article XVII;

(ii) such amendments shall be adopted at such meetings by a unanimous vote;

(iii) the Depositary referred to in Article XXX shall communicate amendments so adopted to all Contracting States without delay;

(iv) any Contracting State which has a different intention with respect to an amendment to the annexes to the Convention or to any protocol shall notify the Depositary in writing within a period determined by the Contracting States concerned when adopting the amendment;

(v) the Depositary shall notify all Contracting States without delay of any notification received pursuant to the preceding sub-paragraph;

(vi) on the expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting States to the Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

(c) The adoption and entry into force of a new annex to the Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

ARTICLE XXII

Rules of procedure and financial rules

(a) The Council shall, at its first meeting, adopt its own rules.

(b) The Council shall adopt financial rules to determine, in particular, the financial participation of the Contracting States.

ARTICLE XXIII

Reports

Each Contracting State shall submit to the secretariat reports on measures adopted in implementation of the provisions of the Convention and its protocols in such form and at such intervals as may be determined by the Council.

ARTICLE XXIV

Compliance control

The Contracting States shall co-operate in the development of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practicable measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

ARTICLE XXV

Settlement of disputes

(a) In case of a dispute as to the interpretation or application of this Convention or its protocols, the Contracting States concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

(b) If the Contracting States concerned cannot settle the dispute through the means mentioned in paragraph (a) of this article, the dispute shall be submitted to the Judicial Commission for the Settlement of Disputes referred to in paragraph (b) (iii) of Article XVI.

ARTICLE XXVI

Signature

The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be open for signature in Kuwait from 24 April to 23 July 1978 by any State invited as a participant in the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978 for the purpose of adopting the Convention and the Protocol.

ARTICLE XXVII

Ratification, acceptance, approval or accession

(a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency and any other protocol thereto shall be subject to ratification, acceptance, or approval by the States referred to in Article XXVI.

(b) As from 24 July 1978, this Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States referred to in Article XXVI.

(c) Any State which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency;

(d) Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Kuwait which will assume the functions of Depositary.

ARTICLE XXVIII

Entry into force

(a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, the Convention;

(b) Any other protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, such protocol;

(c) After the date of deposit of five instruments of ratification, acceptance or approval of, or accession to, this Convention or any other protocol, this Convention or any such protocol shall enter into force with respect to any State on the ninetieth day following the date of deposit by that State of the instrument of ratification, acceptance, approval or accession.

ARTICLE XXIX

Withdrawal

(a) At any time after five years from the date of entry into force of this Convention, any Contracting State may withdraw from this Convention by giving written notification of withdrawal to the Depositary;

(b) Except as may be otherwise provided in any other protocol to the Convention, any Contracting State may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary;

(c) Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary;

(d) Any Contracting State which withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it was a party;

(e) Any Contracting State which withdraws from the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Pollution Emergency shall be considered as also having withdrawn from the Convention.

ARTICLE XXX

Responsibilities of the Depositary

(a) The Depositary shall inform the Contracting States and the secretariat of the following:

(i) signature of this Convention and of any protocol thereto, and of the deposit of the instruments of ratification, acceptance, approval or accession in accordance with Article XXVII;

(ii) date on which Convention and any protocol will enter into force in accordance with the provision of Article XXVIII;

(iii) notification of a different intention made in accordance with Articles XX and XXI;

(iv) notification of withdrawal made in accordance with Article XXIX;

(v) amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting State and the date of entry into force of those amendments in accordance with the provisions of Article XX;

(vi) adoption of new annexes and of the amendment of any annex in accordance with Article XXI;

(b) The Depositary shall call the first meeting of the Council within six months of the date on which the Convention enters into force.

The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to the Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of Kuwait who shall send copies thereof to all States concerned and shall register all such instruments and all subsequent actions in respect of them with the Secretariat of the United Nations in accordance with article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

DONE AT KUWAIT this twenty-fourth day of April, in the year one thousand nine hundred and seventy-eight in the Arabic, English and Persian languages, the three texts being equally authentic. In case of a dispute as to the interpretation or application of the Convention or its protocols, the English text shall be dispositively authoritative.

Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, Kuwait, 1978

Done at Kuwait 24 April 1978

*Entered into force 17 June 1979**

Primary source citation: 17 ILM 526 (1978)

PROTOCOL CONCERNING REGIONAL CO-OPERATION IN COMBATING POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

THE CONTRACTING STATES

BEING PARTIES to the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (hereinafter referred to as "the Convention");

CONSCIOUS of the particular urgency to realize the ever present potentiality of emergencies which may result in substantial pollution by oil and other harmful substances and to provide co-operative and effective measures to deal with them;

BEING AWARE THAT existing measures for responding to pollution emergencies need to be enhanced on a national and regional basis to deal with this problem in a comprehensive manner for the benefit of the Region;

HAVE AGREED as follows:

Article I

For the purposes of this Protocol:

(1) "Appropriate Authority" means either the National Authority defined in Article I of the Convention, or the authority or authorities within the Government of a Contracting State, designated by the National Authority and responsible for:

(a) combating and otherwise operationally responding to marine emergencies;

(b) receiving and co-ordinating information of particular marine emergencies;

(c) co-ordinating available national capabilities, for dealing with marine emergencies in general within its own Government and with other Contracting States;

* This Protocol is not in force for the United States.

(2) "Marine Emergency" means any casualty, incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine environment by oil or other harmful substances and includes, inter alia, collisions, strandings and other incidents involving ships, including tankers, blow-outs arising from petroleum drilling and production activities, and the presence of oil or other harmful substances arising from the failure of industrial installations;

(3) "Marine Emergency Contingency Plan" means a plan or plans, prepared on a national, bilateral or multilateral basis, designed to co-ordinate the deployment, allocation and use of personnel, material and equipment for the purpose of responding to marine emergencies;

(4) "Marine Emergency Response" means any activity intended to prevent, mitigate or eliminate pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies;

(5) "Related Interests" means the interests of a Contracting State directly or indirectly affected or threatened by a marine emergency, such as:

(a) Maritime, coastal, port or estuary activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) historic and tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

(d) industrial activities which rely upon intake of water, including distillation plants, and industrial plants using circulating water;

(6) "Convention" means the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution;

(7) "Sea Area" means the area specified in paragraph (a) of Article II of the Convention;

(8) "Council" means the organ of the Regional Organization for the Protection of the Marine Environment established under Article XVI of the Convention;

(9) "Centre" means the Marine Emergency Mutual Aid Centre established under Article III, paragraph 1 of the present Protocol.

Article II

1. The Contracting States shall co-operate in taking the necessary and effective measures to protect the coastline and related interests of one or more of the States from the threat and effects of pollution due to the presence of oil or other harmful substances in the marine environment resulting from marine emergencies.

2. The Contracting States shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution in the Sea Area by oil and other harmful substances. These means shall include, in particular, available equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article III

1. The Contracting States hereby establish the Marine Emergency Mutual Aid Centre.

2. The objectives of the Centre shall be:

(a) to strengthen the capacities of the Contracting States and to facilitate co-operation among them in order to combat pollution by oil and other harmful substances in cases of marine emergencies;

(b) to assist Contracting States, which so request, in the development of their own national capabilities to combat pollution by oil and other harmful substances and to co-ordinate and facilitate information exchange, technological co-operation and training; and

(c) a later objective, namely the possibility of initiating operations to combat pollution by oil and other harmful substances at the regional level, may be considered. This possibility should be submitted for approval by the Council after evaluating the results achieved in the fulfilment of the previous objectives and in the light of financial resources which could be made available for this purpose.

3. The functions of the Centre shall be:

(a) to collect and disseminate to the Contracting States information concerning matters covered by this Protocol, including:

(i) laws, regulations and information concerning appropriate authorities of the Contracting States and marine emergency contingency plans referred to in Article V of this Protocol;

(ii) information concerning methods, techniques and research relating to marine emergency response referred to in Article VI of this Protocol; and

(iii) list of experts, equipment and materials available for marine emergency responses by the Contracting States;

(b) to assist the Contracting States, as requested:

(i) in the preparation of laws and regulations concerning matters covered by this Protocol and in the establishment of appropriate authorities;

(ii) in the preparation of marine emergency contingency plans;

(iii) in the establishment of procedures under which personnel, equipment and materials involved in marine emergency responses may be expeditiously transported into, out of, and through their respective countries;

(iv) in the transmission of reports concerning marine emergencies; and

(v) in promoting and developing training programmes for combating pollution;

(c) to co-ordinate training programmes for combating pollution and prepare comprehensive anti-pollution manuals;

(d) to develop and maintain a communication/information system appropriate to the needs of the Contracting States and the Centre for the prompt exchange of information concerning marine emergencies required by this Protocol;

(e) to prepare inventories of the available personnel, material, vessels, aircraft, and other specialized equipment for marine emergency responses;

(f) to establish and maintain liaison with competent regional and international organizations, particularly the Inter-Governmental Maritime Consultative Organization, for the purposes of obtaining and exchanging scientific and technological information and data, particularly in regard of any new innovation which may assist the Centre in the performance of its functions;

(g) to prepare periodic reports on marine emergencies for submission to the Council; and

(h) to perform any other functions assigned to it either by this Protocol or by the Council.

4. The Centre may fulfill additional functions necessary for initiating operations to combat pollution by oil and other harmful substances on a regional level, when authorized by the Council, in accordance with paragraph 2 (c) above.

Article IV

1. The present Protocol shall apply to the Sea Area specified in paragraph (a) of Article II of the Convention.

2. For the purposes of dealing with a marine emergency, ports, harbours, estuaries, bays and lagoons may be treated as part of the Sea Area if the concerned Contracting State so decides.

Article V

Each Contracting State shall provide the Centre and the other Contracting States with information concerning:

(a) its appropriate authority;

(b) its laws, regulations, and other legal instruments relating generally to matters addressed in this Protocol, including those concerning the structure and operation of the authority referred to in Paragraph (a) above;

(c) its national marine emergency contingency plans.

Article VI

Each Contracting State shall provide to other Contracting States and the Centre information concerning:

(a) existing and new methods, techniques, materials, and procedures relating to marine emergency response;

(b) existing and planned research and developments in the areas referred in Paragraph (a) above; and

(c) results of research and developments referred to in Paragraph (b) above.

Article VII

1. Each Contracting State shall direct its appropriate officials to require masters of ships, pilots of aircraft and persons in charge of offshore platforms and other similar structures operating in the marine environment and under its jurisdiction to report the existence of any marine emergency in the Sea Area to the appropriate national authority and to the Centre.

2. Any Contracting State receiving a report pursuant to paragraph 1 above shall promptly inform the following of the marine emergency:

(a) the Centre;

(b) all other Contracting States;

(c) the flag State of any foreign ship involved in the marine emergency concerned.

3. The content of the reports, including supplementary reports where appropriate, referred to in paragraph 1 above should conform to Appendix A of this Protocol.

4. Any Contracting State which submits a report pursuant to paragraphs 2 (a) and (b) above, shall be exempted from the obligations specified in paragraph (b) of Article IX of the Convention.

Article VIII

The Centre shall promptly transmit information and reports which it receives from a Contracting State pursuant to Article V, VI and paragraph 2 of Article VII of this Protocol to all other Contracting States.

Article IX

Any Contracting State which transmits information pursuant to this Protocol may specifically restrict its dissemination. In such a case, any Contracting State or the Centre to whom this information has been transmitted shall not divulge it to any other person, government, or to any public or private organization without the specific authorization of the former Contracting State.

Article X

Any Contracting State faced with a marine emergency situation as defined in Paragraph 2 of Article I of this Protocol shall:

(a) take every appropriate measure to combat pollution and/or to rectify the situation;

(b) immediately inform all other Contracting States, either directly or through the Centre, of any action which it has taken or intends to take to combat the pollution. The Centre shall promptly transmit any such information to all other Contracting States;

(c) make assessment of the nature and extent of the marine emergency, either directly or with the assistance of the Centre;

(d) determine the necessary and appropriate action to be taken with respect to the marine emergency, in consultation, where appropriate, with other Contracting States, affected States and the Centre.

Article XI

1. Any Contracting State requiring assistance in a marine emergency response may call for assistance directly from any other Contracting State or through the Centre. Where the services of the Centre are utilized, the Centre shall promptly transmit requests received to all other Contracting States. The Contracting States to whom a request is made pursuant to this paragraph shall use their best endeavours within their capabilities to render the assistance requested.

2. The assistance referred to in paragraph 1 above may include:

(a) personnel, material, and equipment, including facilities or methods for the disposal of recovered pollutant;

(b) surveillance and monitoring capacity;

(c) facilitation of the transfer of personnel, material, and equipment into, out of, and through the territories of the Contracting States.

3. The services of the Centre may be utilized by the Contracting States to co-ordinate any marine emergency response in which assistance is called for pursuant to paragraph 1 above.

4. Any Contracting State calling for assistance pursuant to paragraph 1 above shall report the activities undertaken with this assistance and its results to the Centre. The Centre shall promptly transmit any such report to all other Contracting States.

5. In cases of special emergencies, the Centre may call for the mobilization of resources made available by the Contracting States to combat pollution by oil and other harmful substances.

Article XII

1. Having due regard to the functions assigned to the Centre under this Protocol, each Contracting State shall establish and maintain an appropriate authority to carry out fully its obligations under this Protocol. With the assistance of the Centre, where appropriate, the appropriate authority of each Contracting State shall co-operate and co-ordinate its activities with counterparts in the other Contracting States.

2. Among other matters with respect to which co-operation and co-ordination efforts shall be directed under paragraph 1 above are the following:

(a) distribution and allocation of stocks of material and equipment;

(b) training of personnel for marine emergency response;

(c) marine pollution surveillance and monitoring activities;

(d) methods of communication in respect of marine emergencies;

(e) facilitation of the transfer of personnel equipment and materials involved in marine emergency responses into, out of, and through the territories of the Contracting States;

(f) other matters to which this Protocol applies.

Article XIII

The Council shall:

(a) review periodically the activities of the Centre performed under this Protocol;

(b) decide on the degree to which, and stages by which, the functions of the Centre set out in Article III will be implemented; and

(c) determine the financial, administrative and other support to be provided by the Contracting States to the Centre for the performance of its functions.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol:

DONE AT KUWAIT this twenty-fourth day of April, in the year one thousand nine hundred and seventy-eight in the Arabic, English and Persian languages, the three texts being equally authentic. In case of a dispute as to the interpretation or application of this Protocol, the English text shall be dispositively authoritative.

APPENDIX A

GUIDELINES FOR THE REPORT TO BE MADE PURSUANT TO ARTICLE VII OF THE PROTOCOL

1. Each report shall, as far as possible, contain, in general:

   (a) the identification of the source of pollution (e.g. identity of the ship), where appropriate;

   (b) the geographic position, time and date of the occurrence of the incident or of the observation;

   (c) the marine meteorological conditions prevailing in the area;

   (d) where the pollution originates from a ship, relevant details respecting the conditions of the ship.

2. Each report shall contain, whenever possible, in particular:

   (a) a clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

   (b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

   (c) where relevant, a description of the packaging and identifying marks; and

   (d) the name of the consignor, consignee or producer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance, and whether such substance was or is carried in bulk or contained packaged form, freight containers, portable tanks, or submarine pipelines.

4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in Article VII, paragraph 1 of this Protocol shall:

   (a) supplement as far as possible the initial report, as necessary, with information concerning further developments; and

   (b) comply as fully as possible with requests from affected States for additional information.

Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, Abidjan, 1981

Done at Abidjan 23 March 1981

*Entered into force 5 August 1984**

Depositary: Côte d'Ivoire

Primary source citation: Copy of text provided by the United Nations Environment Program

CONVENTION FOR CO-OPERATION IN THE PROTECTION AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE WEST AND CENTRAL AFRICAN REGION

The Contracting Parties,

Conscious of the economic, social and health value of the marine environment and coastal areas of the West and Central African Region,

Fully aware of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations,

Recognizing the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of an integration of an environmental dimension into the development process,

Realizing fully the need for co-operation among the Contracting Parties in order to ensure sustainable, environmentally-sound development through a co-ordinated and comprehensive approach,

Realizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the West and Central African Region,

Noting that existing conventions concerning marine pollution do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the West and Central African Region,

Have agreed as follows:

* This Convention is not in force for the United States.

Article 1

GEOGRAPHICAL COVERAGE

This Convention shall cover the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the West and Central African Region, from Mauritania to Namibia inclusive, which have become Contracting Parties to this Convention under conditions set forth in article 27 and paragraph 1 of article 28 (hereinafter referred to as the Convention area).

Article 2

DEFINITIONS

For the purposes of this Convention:

1. "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, coastal zones, and related inland waters resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing, impairment of quality for use of sea-water and reduction of amenities.

2. "Organization" means the body designated as the secretariat of the Convention and its related protocols according to article 16 of the Convention.

Article 3

GENERAL PROVISIONS

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine and coastal environment of the West and Central African Region, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements shall be deposited with the Organization and, through the Organization, communicated to all Contracting Parties.

2. Nothing in this Convention or related protocols shall be deemed to affect obligations assumed by a Contracting Party under agreements previously concluded.

3. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any Contracting Party concerning the nature and extent of its maritime jurisdiction.

Article 4

GENERAL OBLIGATIONS

1. Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures in accordance with the provisions of this Convention and its protocols in force to which they are parties to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.

2. In addition to the Protocol concerning co-operation in combating pollution in cases of emergency opened for signature on the same date as this Convention, the Contracting Parties shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures, and standards to prevent, reduce, combat and control pollution from all sources or promoting environmental management in conformity with the objectives of this Convention.

3. The Contracting Parties shall establish national laws and regulations for the effective discharge of the obligations prescribed in this Convention, and shall endeavour to harmonize their national policies in this regard.

4. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations to establish and adopt recommended practices, procedures and measures to prevent, reduce, combat and control pollution from all sources in conformity with the objectives of this Convention and its related protocols, and to assist each other in fulfilling their obligations under this Convention and its related protocols.

5. In taking measures to prevent, reduce, combat and control pollution of the Convention area or to promote environmental management, the Contracting Parties shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 5

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with international law to prevent, reduce, combat and control pollution in the Convention area caused by normal or accidental discharges from ships, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 6

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area caused by dumping from ships and aircraft, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 7

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution of the Convention area caused by discharges from rivers, estuaries, coastal establishments and outfalls, coastal dumping or emanating from any other sources on their territories.

Article 8

POLLUTION FROM ACTIVITIES RELATING TO EXPLORATION AND EXPLOITATION OF THE SEA-BED

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution resulting from or in connection with activities relating to the exploration and exploitation of the sea-bed and its subsoil subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction.

Article 9

POLLUTION FROM OR THROUGH THE ATMOSPHERE

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area resulting from or transported through the atmosphere.

Article 10

COASTAL EROSION

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control coastal erosion in the Convention area resulting from man's activities, such as land reclamation and coastal engineering.

Article 11

SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other marine life. To this end, the Contracting Parties shall endeavour to establish protected areas, such as parks and reserves, and to prohibit or control any activity likely to have adverse effects on the species, ecosystems or biological processes in such areas.

Article 12

CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Contracting Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

2. Any Contracting Party which becomes aware of a pollution emergency in the Convention area should, without delay, notify the Organization and, either through this Organization or directly, any other Contracting Party likely to be affected by such emergency.

Article 13

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact on the Convention area.

2. Each Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, that may cause substantial pollution of, or significant and harmful changes to, the Convention area.

3. The Contracting Parties shall, in consultation with the Organization, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 14

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate, with the assistance of competent international and regional organizations, in the field of scientific research, monitoring and assessment of pollution in the Convention area, and shall exchange data and other scientific information for the purpose of this Convention and its related protocols.

2. In addition, the Contracting Parties shall develop and co-ordinate national research and monitoring programmes concerning all types of pollution in the Convention area and shall establish, in co-operation with competent international and regional organizations, a regional network of national research centres and institutions to ensure compatible results. The Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

3. The Contracting Parties shall co-operate, directly or through competent international or regional organizations, in the development of programmes for technical and other assistance in fields related to marine pollution and sound environmental management of the Convention area.

Article 15

LIABILITY AND COMPENSATION

The Contracting Parties shall co-operate in the formulation and adoption of appropriate rules and procedures for the determination of liability and the payment of adequate and prompt compensation for damage resulting from pollution of the Convention area.

Article 16

INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme as the secretariat of the Convention to carry out the following functions:

(i) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 17 and 18;

(ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 12, and 22;

(iii) To perform the functions assigned to it by the protocols to this Convention;

(iv) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its related protocols and annexes thereto;

(v) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in article 17;

(vi) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

2. Each Contracting Party shall designate an appropriate national authority as responsible for the co-ordination of national efforts for implementing this Convention and its related protocols. The appropriate national authority shall serve as the channel of communication between the Contracting Party and the Organization.

Article 17

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, supported by at least three other Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its related protocols and, in particular:

(i) To consider reports submitted by the Contracting Parties under article 22;

(ii) To adopt, review and amend as required annexes to this Convention and to its related protocols, in accordance with the provisions of article 20;

(iii) To make recommendations regarding the adoption of any additional protocols or amendments to this Convention or its related protocols in accordance with the provisions of articles 18 and 19;

(iv) To establish working groups as required to consider any matters concerning this Convention and its related protocols and annexes;

(v) To review the state of pollution in the Convention area;

(vi) To consider and to adopt decisions concerning co-operative activities to be undertaken within the framework of this Convention and its related protocols, including their financial and institutional implications;

(vii) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its related protocols.

Article 18

ADOPTION OF ADDITIONAL PROTOCOLS

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.

2. A conference of plenipotentiaries shall be convened for the purpose of adopting additional protocols by the Organization at the request of not less than two thirds of the Contracting Parties.

3. Pending the entry into force of this Convention, the Organization may, after consulting with the signatories to this Convention, convene a conference of plenipotentiaries for the purpose of adopting additional protocols.

Article 19

AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention or to any of the protocols. The texts of any such draft amendments shall be communicated to the Contracting Parties by the Organization six months before their submission to an ordinary meeting of the Contracting Parties for examination.

2. Any amendment shall be adopted by a two-thirds majority of the Contracting Parties and shall enter into force twelve months after its approval.

Article 20

ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any of its protocols shall form an integral part of the Convention or such protocol.

2. Except as may be otherwise provided in any protocol, the procedure foreseen in article 19 shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

Article 21

RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 17 and 18 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 22

REPORTS

The Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of this Convention and of protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 23

COMPLIANCE CONTROL

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and its related protocols.

Article 24

SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its related protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall be submitted to arbitration under conditions to be adopted by the Contracting Parties in an annex to this Convention.

Article 25

RELATIONSHIP BETWEEN THE CONVENTION AND ITS RELATED PROTOCOLS

1. No State may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol. No State may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 17, 19 and 20 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 26

SIGNATURE

This Convention and the Protocol on Co-operation in Combating Pollution in Cases of Emergency shall be in Abidjan from 23 March to 22 June 1981 for signature by any coastal or island State, from Mauritania to Namibia inclusive.

Article 27

RATIFICATION, ACCEPTANCE AND APPROVAL

This Convention and any protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Ivory Coast, which will assume the functions of Depositary.

Article 28

ACCESSION

1. As from 23 June 1981, the present Convention and the Protocol concerning Co-operation in Combating Pollution in Cases of Emergency shall be open for accession by the States referred to in article 26.

2. After the entry into force of this Convention and any protocol thereto, any African State not referred to in article 26 may accede to them.

3. This Convention and any protocol thereto shall also remain open after the entry into force for accession by any other State, subject to the prior approval of three quarters of the States referred to in article 26 which have become Contracting Parties.

4. Instruments of accession shall be deposited with the Depositary.

Article 29

ENTRY INTO FORCE

1. This Convention and the first of its protocols shall enter into force on the same date, in accordance with the following paragraph 2.

2. The Convention, and any of its protocols shall enter into force on the sixtieth day following the date of deposit of at least six instruments of ratification, acceptance or approval of, or accession to, such Convention and protocol by the Parties referred to in article 26.

3. Thereafter, this Convention and any protocol thereto shall enter into force with respect to any State referred to in article 26 on the sixtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 30

WITHDRAWAL

1. At any time after five years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 31

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 26, and the Organization:

(i) Of the signature of this Convention and any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 26, 27 and 28;

(ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 29;

(iii) Of notifications of withdrawal made in accordance with article 30;

(iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of these amendments in accordance with the provisions of article 19;

(v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 20.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of the Ivory Coast, which shall send certified copies thereof to the Contracting Parties, to the Organization of African Unity, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency, Abidjan, 1981

Done at Abidjan 23 March 1981

*Entered into force 5 August 1984**

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

Article 1

For the purposes of this Protocol:

1. "Appropriate National Authority" means the authority designated by the Government of a Contracting Party in accordance with paragraph 2 of article 16 of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, and responsible for:

(*a*) Combating and otherwise operationally responding to marine emergencies;

(*b*) Receiving and co-ordinating reports of particular marine emergencies;

(*c*) Co-ordinating activities relating to marine emergencies in general within its own Government and with other Contracting Parties.

2. "Marine Emergency" means any incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine and coastal environment by oil or other harmful substances and includes, in particular, collisions, strandings and other incidents involving ships, including tankers, petroleum production blow-outs and the presence of oil or other harmful substances arising from the failure of industrial installations.

3. "Marine Emergency Contingency Plan" means a plan, prepared on a national, bilateral or multilateral basis, to deal with pollution and other adverse effects on the marine and coastal environment, or the threat thereof, resulting from accidents or other unforeseen events.

4. "Marine Emergency Response" means any activity intended to prevent, reduce, combat and control pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies and includes the clean-up of oil slicks and recovery or salvage of packages, freight containers, portable tanks, or road and rail wagons.

* This Protocol is not in force for the United States.

5. "Related Interests" means the interests of a Contracting Party directly or indirectly affected or threatened by a marine emergency, such as:

(*a*) Maritime, coastal, port or estuarine activities, including fisheries activities;

(*b*) Historic and tourist attractions of the area concerned;

(*c*) The health and well-being of the inhabitants of the area concerned, including the conservation of living marine resources and wildlife and the protection of marine and coastal parks and reserves.

6. "Convention" means the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

7. "Organization" means the organization referred to in article 16 of the Convention as responsible for the secretariat functions of the Convention.

Article 2

The area to which this Protocol applies (hereinafter referred to as the "Protocol area") shall be the same as the Convention area as defined in article 1 of the Convention.

Article 3

This Protocol shall apply to actual or potential marine emergencies which constitute a substantial pollution danger to the Protocol area and related interests of the Contracting Parties.

Article 4

The Contracting Parties undertake to co-operate in all matters relating to the taking of necessary and effective measures to protect their respective coastlines and related interests from the threat and effects of pollution resulting from marine emergencies.

Article 5

Each Contracting Party shall provide the other Contracting Parties and the Organization with information concerning:

(*a*) Its appropriate national authority;

(*b*) Its laws, regulations and other legal instruments relating generally to matters referred to in this Protocol, including those concerning the organization and operation of the appropriate national authority, to the extent that this organization and operation relates to matters referred to in this Protocol;

(*c*) Its national marine emergency contingency plans.

Article 6

The Contracting Parties shall exchange, either through the Organization or directly, information on research and development programmes, including results concerning ways in which pollution by oil and other harmful substances may be dealt with, and on experiences in combating such pollution.

Article 7

1. Each Contracting Party undertakes to require masters of ships flying its flag and pilots of aircraft registered in its territory, and persons in charge of offshore structures operating under its jurisdiction to report by the most rapid and adequate channels in the circumstances, and in accordance with the annex to this Protocol, to any Contracting Party:

(*a*) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(*b*) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Contracting Parties.

2. Any Contracting Party receiving a report pursuant to paragraph 1 above shall promptly inform the Organization and, either through the Organization or directly, the appropriate national authority of any Contracting Party likely to be affected by the marine emergency.

Article 8

1. Any Contracting Party requiring assistance for dealing with a marine emergency, including the recovery or salvage of packages, freight containers, portable tanks, or road or rail wagons, may call for assistance from any other Contracting Party. The call for assistance shall be made initially to other Contracting Parties whose coastlines and related interests might be affected by the marine emergency involved. The Contracting Parties to whom a request is made pursuant to this paragraph undertake to use their best endeavours to render the assistance requested.

2. The assistance referred to in paragraph 1 of this article may include:

(*a*) The provision and reinforcement of personnel, material, and equipment;

(*b*) The provision and reinforcement of surveillance and monitoring capacity;

(*c*) The provision of pollution disposal sites; or

(*d*) The facilitation of the transfer of personnel, equipment and material into, out of, and through the territories of the Contracting Parties.

3. Any Contracting Party requesting assistance pursuant to paragraph 1 of this article shall report the results following from the request to the other Contracting Parties and to the Organization.

4. The Contracting Parties undertake to consider as soon as possible and in accordance with the means available to them the allocation of tasks for responding to marine emergencies within the Protocol area.

5. Each Contracting Party undertakes to inform the other Contracting Parties and the Organization of measures taken in dealing with marine emergencies in cases where those other Contracting Parties are not called upon to provide assistance.

Article 9

1. The Contracting Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, marine emergency contingency plans and means for combating pollution by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

2. The Contracting Parties shall co-operate in developing standing instructions and procedures to be followed by their appropriate national authorities who have responsibility for receiving and transmitting reports of pollution by oil and other harmful substances made pursuant to article 7 of this Protocol. Such co-operation shall be designed to ensure speedy and routine reception, transmission and dissemination of these reports.

Article 10

1. Each Contracting Party shall act in accordance with the following principles in the conduct of marine emergency responses carried out under its authority:

(*a*) Make an assessment of the nature and extent of the marine emergency and transmit the results of the assessment to any other Contracting Party concerned;

(*b*) Determine the necessary and appropriate action to be taken with respect to the marine emergency in consultation, where appropriate, with other Contracting Parties;

(*c*) Make the necessary reports and requests for assistance under articles 7 and 8 of this Protocol; and

(*d*) Take appropriate and practical measures to prevent, reduce, combat and control the effects of pollution, including surveillance and monitoring of the marine emergency.

2. In carrying out marine emergency responses under this Protocol the Contracting Parties shall:

(*a*) Act in conformity with the principles of international law and with international conventions having applicability to marine emergency responses; and

(*b*) Inform the Organization of those marine emergency responses.

Article 11

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 17 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings, as provided in article 17 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties to this Protocol, in particular:

(*a*) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(*b*) To review and amend as required any annex to this Protocol;

(*c*) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 12

1. The provisions of the Convention relating to any protocol shall apply with respect to this Protocol.

2. The rules of procedure and financial rules adopted pursuant to article 21 of the Convention shall apply with respect to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX

Guidelines for the Report to be made pursuant to article 7 of the Protocol

1. Each report shall, as far as possible, contain:

(*a*) The identification of the source of pollution (e.g. identity of the ship), where appropriate;

(*b*) The geographical position, time and date of the occurrence of the incident or of the observation;

(*c*) The marine meteorological conditions prevailing in the area;

(*d*) Where the pollution originates from a ship, relevant details respecting the condition of the ship.

2. Each report shall also contain, whenever possible:

(*a*) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(*b*) A statement or estimate of the quantity, concentration and likely condition of harmful substances discharged or likely to be discharged into the sea;

(*c*) Where relevant, a description of the packaging and identifying marks; and

(*d*) The name of the consignor, consignee or producer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance, and whether such substance was or is carried in bulk or contained package form, freight containers, portable tanks, or submarine pipelines.

4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 7 of this Protocol shall:

(*a*) Supplement, as far as possible, the initial report, and as necessary, with information concerning further development; and

(*b*) Comply as fully as possible with requests from affected Parties for additional information.

Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, Lima, 1981

Done at Lima 12 November 1981

*Entered into force 19 May 1986**

Depositary: Permanent Commission of the South Pacific

Primary source citation: Copy of text provided by the United Nations Environment Program

CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND COASTAL AREA OF THE SOUTH-EAST PACIFIC

The High Contracting Parties,

Conscious of the need to protect and preserve the marine environment and coastal area of the South-East Pacific against all types and sources of pollution,

Convinced of the economic, social and cultural values of the South-East Pacific as a means of linking the countries of the region,

Considering that the various international agreements concerning marine pollution which are in force, despite all the progress achieved, do not cover all types and sources of pollution and do not completely satisfy the needs and requirements of the countries of the region,

Recognizing the desirability of co-operating at the regional level, either directly or with the assistance of the Permanent Commission of the South Pacific or other competent international organizations, in protecting and preserving the aforesaid marine environment and coastal area,

Have agreed on the following:

Article 1
GEOGRAPHICAL COVERAGE

The sphere of application of this Convention shall be the sea area and the coastal zone of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and, beyond that area, the high seas up to a distance within which pollution of the high seas may affect that area.

* This Convention is not in force for the United States.

Article 2
DEFINITIONS

For the purpose of this Convention:

(*a*) "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

(*b*) "National authority" means the authority designated by each Party in accordance with article 9;

(*c*) "Executive Secretariat" means the body specified in article 13 of this Convention.

Article 3
GENERAL OBLIGATIONS

1. The High Contracting Parties shall endeavour, either individually or through bilateral or multilateral co-operation, to adopt appropriate measures in accordance with the provisions of this Convention and any supplementary instruments in force to which they are party in order to prevent, reduce and control pollution of the marine environment and coastal area of the South-East Pacific and to ensure appropriate environmental management of natural resources.

2. In addition to the "Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency", the High Contracting Parties shall co-operate in formulating, adopting and implementing any other protocols that may establish rules, standards, practices and procedures for the implementation of this Convention.

3. The High Contracting Parties shall endeavour to ensure that such laws and regulations as they may promulgate to prevent, reduce and control pollution of their respective marine environment and coastal area from any source and to promote the appropriate environmental management of such environment and area are as effective as the existing international standards.

4. The High Contracting Parties shall co-operate, on a regional basis, directly or in collaboration with the competent international organizations, in formulating, adopting and implementing effective rules, standards, practices and procedures for the protection and preservation of the marine environment and coastal area of the South-East Pacific against all types and sources of pollution, and in promoting appropriate environmental management of such environment and area, taking into account characteristic regional features.

Such rules, standards, practices and procedures shall be communicated to the Executive Secretariat.

5. The High Contracting Parties shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to others or to their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not, as far as possible, spread beyond the areas where the High Contracting Parties exercise sovereignty and jurisdiction.

Article 4
MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

The measures adopted by the High Contracting Parties to prevent and control pollution of the marine environment shall include, *inter alia*, measures designed to minimize to the fullest possible extent:

(*a*) Release of toxic, harmful or noxious substances, especially those which are persistent:

(i) From land-based sources;

(ii) From or through the atmosphere; and

(iii) By dumping;

(*b*) Pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional discharges and regulating the design, construction, equipment, operation and manning of vessels pursuant to the generally accepted international standards and rules; and

(*c*) Pollution from any other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operations and manning of such installations or devices.

Article 5

EROSION OF THE COASTAL AREA

The High Contracting Parties shall adopt all appropriate measures to prevent, reduce and control erosion of the coastal area of the South-East Pacific resulting from the activities of man.

Article 6

CO-OPERATION IN CASES OF POLLUTION RESULTING FROM EMERGENCY SITUATIONS

1. High Contracting Parties which become aware of cases in which the marine environment is in danger of being damaged or has been damaged by pollution shall immediately notify the other High Contracting Parties which they deem likely to be affected by such damage and the Executive Secretariat.

The High Contracting Parties, individually or by means of bilateral or multilateral co-operation, shall endeavour, to the extent possible, to eliminate the effects of pollution and to prevent or minimize damage.

Accordingly, the High Contracting Parties shall jointly endeavour to promote and develop contingency plans for responding to pollution incidents in the marine environment.

2. High Contracting Parties which are faced with pollution resulting from emergency situations shall:

(*a*) Make an assessment of the nature and extent of the emergency;

(*b*) Adopt appropriate measures to avoid or reduce the effects of the pollution;

(*c*) Immediately report the measures adopted and any action which they are undertaking or intend to undertake in order to combat the pollution;

(*d*) Observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution.

The information obtained shall be communicated to the other High Contracting Parties and to the Executive Secretariat.

3. High Contracting Parties requiring assistance in combating pollution resulting from emergency situations may request, either directly or through the Executive Secretariat, the co-operation of other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in the light of their capabilities and shall immediately inform the requesting Party of the form and conditions of the co-operation they are able to provide.

Article 7
MONITORING OF POLLUTION

The High Contracting Parties, directly or in collaboration with the competent international organizations, shall establish complementary or joint programmes for monitoring pollution in the South-East Pacific area, including, when appropriate, bilateral or multilateral programmes, and shall endeavour to implement a pollution monitoring system for that area.

To this end, the High Contracting Parties shall designate the authorities responsible for monitoring pollution within their respective maritime areas of sovereignty and jurisdiction and shall participate, to the extent feasible, in international arrangements for that purpose in areas situated outside the limits of their sovereignty and jurisdiction.

Article 8
ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the High Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact in the sphere of application of the Convention.

2. Each High Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, that may cause substantial pollution of, or significant and harmful changes to, the area of application of the Convention.

3. The High Contracting Parties shall, in co-operation with the Executive Secretariat, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 9
EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves, and to transmit to the Executive Secretary, information on the following:

(*a*) The competent national organization or authorities responsible for combating marine pollution;

(*b*) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out assistance programmes of measures for the benefit of the Parties; and

(*c*) The programmes and research which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results of such programmes and research.

The High Contracting Parties shall co-ordinate the use of the available communication media in order to ensure the timely reception, transmission and dissemination of the information to be exchanged.

Article 10
SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The High Contracting Parties shall, to the extent possible, co-operate directly, or through the Executive Secretariat or other competent international organization, when appropriate, in the fields of science and technology, and shall exchange data and any other specific information for the purposes of this Convention.

To this end, the High Contracting Parties shall, directly or through the Executive Secretariat or another competent international organization:

(*a*) Promote programmes of scientific, educational, technical and other assistance for the protection and preservation of the marine environment and the coastal area, and for the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:

(i) Training of scientific and technical personnel;

(ii) Participation in relevant international programmes;

(iii) Provision of necessary equipment and facilities;

(iv) Strengthening the capacity of the High Contracting Parties to manufacture such equipment; and

(v) Provision of facilities for, and advice on, research, monitoring, educational and other programmes;

(*b*) Provide appropriate assistance to minimize the effects of major incidents or accidents which may cause serious pollution of the marine environment;

(*c*) Provide appropriate assistance in the preparation of environmental assessments; and

(*d*) Co-operate in developing programmes for appropriate assistance in the environmental management of the marine environment and the coastal area.

2. The High Contracting Parties undertake, to the extent possible, to promote and co-ordinate their national research programmes on all the types of pollution which exist within the geographical sphere of application of this Convention, and to co-operate in the establishment of regional research programmes.

Article 11
LIABILITY AND COMPENSATION

1. The High Contracting Parties shall endeavour to formulate and adopt appropriate procedures for determining civil liability and compensation for damage resulting from pollution of the marine environment and coastal area caused by natural or juridical persons in their maritime and coastal areas as a consequence of any infringement by such persons of the provisions of this Convention and its supplementary instruments.

2. The High Contracting Parties shall ensure that recourse is available in accordance with their legal systems for compensation or other relief in respect of damage caused by pollution of the marine environment and coastal area by natural or juridical persons under their jurisdiction.

Article 12
MEETINGS OF THE HIGH CONTRACTING PARTIES

The High Contracting Parties shall hold ordinary and extraordinary meetings.

1. Ordinary meetings shall be held every two years on the same occasion as the Ordinary Meeting of the Permanent Commission of the South Pacific. These meetings shall be convened by the Executive Secretariat.

Extraordinary meetings shall be held whenever special circumstances so warrant. They shall be convened by the Executive Secretariat at the request of any High Contracting Party. The Executive Secretariat may also convene extraordinary meetings at its request following the unanimous agreement of the High Contracting Parties.

2. At ordinary meetings, the High Contracting Parties shall examine, *inter alia*, the following points:

(*a*) The extent to which this Convention is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in furtherance of objectives of this Convention and the protocols thereto including their institutional and financial aspects;

(*b*) The adoption of additional protocols, the advisability of amending or revising this Convention and the protocols thereto, and the modification or expansion of any resolutions adopted in pursuance of the provisions of the Convention and protocols;

(*c*) The environmental assessment undertaken in the geographical area covered by this Convention; and

(*d*) The performance of any other function which may assist in achieving the purposes of this Convention.

Article 13
EXECUTIVE SECRETARIAT OF THE CONVENTION

For the purposes of the administration and application of this Convention, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific to discharge the functions of Executive Secretariat under the Convention. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article 14
REPORTS

The High Contracting Parties shall transmit to the Executive Secretariat reports on the measures adopted for the implementation of this Convention and the additional protocols which form part of it, in such form and at such intervals as determined by their meetings. The Executive Secretariat shall bring these reports to the attention of the High Contracting Parties.

Article 15
ENTRY INTO FORCE

This Convention shall enter into force sixty days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article 16
DENUNCIATION

This Convention may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect one hundred and eighty days after the date of such notification.

Article 17
AMENDMENTS TO THE CONVENTION OR ITS PROTOCOLS

1. Any High Contracting Party may propose amendments to this Convention or to its protocols. Such amendments shall be adopted at a Conference of Plenipotentiaries convened by the Executive Secretary at the request of any Contracting Party.

2. Amendments to this Convention and the protocols shall be adopted unanimously by the High Contracting Parties.

3. The amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 18
ACCESSION

This Convention shall be open for accession by any State bordering the South-East Pacific. Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Convention shall enter into force for the State acceding to it sixty days after the deposit of the relevant instrument.

Article 19
ADOPTION OF PROTOCOLS

The High Contracting Parties may adopt unanimously, at a Conference of Plenipotentiaries, additional protocols to this Convention, which shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 20
GENERAL PROVISION

The provisions of this Convention shall not affect any more stringent obligations which have been assumed by the High Contracting Parties under special conventions and agreements that they have concluded or may conclude on the protection of the marine environment.

At the request of any of the High Contracting Parties, the Executive Secretariat shall convene a Conference of Plenipotentiaries on this question.

Before the entry into force of this Convention, the Executive Secretariat may, after consultation with the signatories of the Convention, convene a Conference of Plenipotentiaries for the adoption of additional protocols.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention in the city of Lima, on the twelfth day of November, one thousand nine hundred and eighty-one.

Protocol for the Protection of the South-East Pacific Against Pollution from Land-Based Sources, Quito, 1983

Done at Quito 23 July 1983

*Entered into force 23 September 1986**

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL FOR THE PROTECTION OF THE SOUTH-EAST PACIFIC AGAINST POLLUTION FROM LAND-BASED SOURCES

Article I
AREA OF APPLICATION

The sphere of application of this Protocol shall be the area of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and waters on the landward side up to the freshwater limit.

The freshwater limit will be determined by each State Party, in accordance with the relevant technical and scientific criteria.

Article II
SOURCES OF POLLUTION

Marine pollution from land-based sources comprises:

(*a*) Coastal outfalls or disposal and discharges;

(*b*) Discharges through rivers, canals and other watercourses, including underground watercourses; and

(*c*) In general, any other land-based source situated within the territories of the High Contracting Parties, whether through water, through the atmosphere or directly from the coast.

Article III
GENERAL OBLIGATIONS

The High Contracting Parties shall, either individually or through bilateral or multilateral co-operation, endeavour to adopt appropriate measures in accordance with the provisions of this Protocol to prevent, reduce and

* This Protocol is not in force for the United States.

control pollution of the marine environment from land-based sources, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for the use of sea water and reduction of amenities.

The High Contracting Parties shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

The High Contracting Parties shall endeavour to harmonize their policies in this connection at the regional level.

Article IV
OBLIGATIONS IN RESPECT OF ANNEX I

The High Contracting Parties shall endeavour to prevent, reduce, control and eliminate in their respective zones within the sphere of application of this Protocol pollution from land-based sources caused by the substances listed in annex 1 to this Protocol. To this end they shall, jointly or individually, elaborate and implement suitable programmes and measures.

Such programmes and measures shall take into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Without prejudice to the aim of eliminating discharges of the substances listed in annex 1, to the extent that such substances occur, they shall be subject to a system of self-monitoring and control. Authorization by the competent national authorities shall depend upon the levels of such substances, taking into account the harm or deleterious effects which may result in the marine environment.

Article V
OBLIGATIONS IN RESPECT OF ANNEX II

The High Contracting Parties shall endeavour progressively to reduce in their respective zone within the sphere of application of this Protocol pollution from land-based sources caused by the substances or sources listed in annex II to this Protocol. To this end they shall, jointly or individually, elaborate and implement suitable programmes and measures.

Such programmes and measures shall take into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Discharges of the substances listed in annex II to this Protocol shall be subject to a system of self-monitoring and control. Authorization by the competent national authorities shall depend on the levels of such substances, taking into account the harm or deleterious effects which may result in the marine environment.

Article VI
PRACTICES AND PROCEDURES

The High Contracting Parties shall endeavour to formulate and progressively adopt, acting individually or jointly as appropriate, in cooperation with the Executive Secretariat or another competent international organization, as the case may be, rules, standards and common practices and procedures dealing with:

(*a*) Studies to determine the length, depth and position of coastal outfalls;

(*b*) Special requirements for effluents necessitating separate treatment;

(*c*) The quality of sea water necessary to guarantee the preservation of human health, living resources and ecosystems;

(*d*) The control of products, installations and industrial and other processes causing significant pollution from land-based sources;

(*e*) Special studies concerning the quantities discharged with a view to controlling the concentration of substances in effluents and the method of discharging the substances listed in annexes I and II, in order to comply with the provisions of subparagraph (*c*) of this article.

Such rules, standards, practices and procedures shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real absorptive capacity of the marine environment.

Article VII
CO-OPERATION AMONG THE PARTIES

High Contracting Parties requiring assistance in combating pollution from land-based sources may, either directly or through the Executive Secretariat, request the co-operation of other Parties, especially those which may be affected by the pollution.

Such cooperation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request and shall meet it to the extent of their capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the co-operation they are in a position to provide.

Article VIII
MONITORING PROGRAMMES

The High Contracting Parties shall, directly or in co-operation with the Executive Secretariat or another competent international organization, progressively establish individual or joint programmes involving two or more Parties for monitoring pollution from land-based sources in order to:

(*a*) Make an assessment of the nature and extent of the pollution;

(*b*) Adopt appropriate measures to avoid or reduce the effects of the pollution;

(*c*) Assess the effects of the measures taken under this Protocol to reduce the pollution of the marine environment;

(*d*) Report to the other High Contracting Parties and the Executive Secretariat on the measures to be adopted and any activity which they are undertaking or intend to undertake in order to combat the pollution.

Article IX
EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves and to transmit to the Executive Secretariat information on the following:

(*a*) The competent national authorities and bodies responsible for receiving information about pollution from land-based sources and for carrying out assistance programmes or measures among the Parties;

(*b*) The competent national organization or authorities responsible for combating pollution from land-based sources;

(*c*) The research programmes which they are conducting in order to develop new methods and techniques for preventing pollution from land-based sources, as well as the results of such programmes; and

(*d*) The measures taken, the results achieved and the difficulties encountered in the application of this Protocol. Such information shall include, *inter alia*:

(i) Statistical data on the authorizations granted under articles IV and V of this Protocol;

(ii) Data resulting from monitoring as provided for in article VIII of this Protocol;

(iii) Quantities of pollutants discharged from their territories;

(iv) Measures taken in accordance with articles IV and V of this Protocol.

The High Contracting Parties shall co-ordinate use of the available means of communication in order to ensure timely reception, transmittal and dissemination of the information to be exchanged.

Article X
SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

The High Contracting Parties shall, to the extent possible, co-operate directly, through the Executive Secretariat or another competent international organization, when appropriate, in the fields of science and technology and shall exchange data and any other scientific information for the purposes of this Protocol.

Article XI
OBLIGATION IN RESPECT OF THE OTHER HIGH CONTRACTING PARTIES

The High Contracting Parties shall take the necessary measures to ensure to the extent possible that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to the Other Parties or to their environment and that pollution rising from accidents or from activities under their jurisdiction or control does not spread beyond the areas in which the High Contracting Parties exercise sovereignty and jurisdiction.

Article XII
CONSULTATIONS BETWEEN THE PARTIES

When pollution from land-based sources of one of the High Contracting Parties is likely to affect adversely the interests of one or more of the Contracting Parties to this Protocol, the Parties affected shall, at the request of one or more of them, enter into consultation with a view to seeking a satisfactory solution.

At the sessions held by the High Contracting Parties in accordance with article XV, recommendations may be made with a view to reaching a satisfactory solution.

Article XIII
PUNITIVE MEASURES

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to adopt measures available to it that it deems pertinent in order to prevent and penalize any act which infringes these provisions.

The High Contracting Parties shall report to the Executive Secretariat on the legislative measures and regulations they have adopted for the application of the provisions of the foregoing paragraph.

Article XIV
APPLICATION OF OTHER MEASURES

Nothing in this Protocol shall prevent the High Contracting Parties from adopting for application, either individually or by two or more of them, stricter measures to combat pollution from land-based sources.

Article XV
ORDINARY AND EXTRAORDINARY SESSIONS

The High Contracting Parties shall hold ordinary sessions every two years and extraordinary sessions at any time, whenever two or more of them so request.

Ordinary sessions shall be held at the same time as the sessions of the Co-ordinating Committee for Scientific Research or the Legal Commission of the Permanent Commission of the South Pacific.

At ordinary sessions, the High Contracting Parties shall examine, *inter alia*, the following:

(*a*) The extent to which this Protocol is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in furtherance of the objectives of this Protocol;

(*b*) The need to amend or revise this Protocol and its annexes and to adopt additional protocols and the desirability of expanding or amending the resolutions adopted in pursuance of this Protocol and its annexes;

(*c*) The formulation and adoption of programmes and measures, in accordance with articles IV and V;

(*d*) The drafting and adoption of rules and standards, practices and procedures, in accordance with article VI;

(*e*) The need to make recommendations, in accordance with the provisions of article XII;

(*f*) The performance of any other function which may assist in achieving the aims of this Protocol.

Article XVI
EXECUTIVE SECRETARIAT

For the purposes of the administration and the application of this Protocol, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific to discharge the functions of Executive Secretariat under the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article XVII
ENTRY INTO FORCE

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article XVIII
DENUNCIATION

This Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article XIX
AMENDMENTS

This Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article XX
ACCESSION

This Protocol shall be open for accession by any coastal State in the South-East Pacific, on the unanimous invitation of the High Contracting Parties.

Accession shall be effected by deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Protocol shall, for the State acceding to it, enter into force 60 days after the deposit of the relevant instrument.

Article XXI
RESERVATIONS

No reservations concerning this Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF, the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol in the city of Quito on the twenty-second day of July, one thousand nine hundred and eighty-three.

ANNEX I

A. The following substances, families and groups of substances are listed, not in order of priority, for the purposes of article IV of this Protocol. They have been selected mainly on the basis of their:

Toxicity;

Persistence;

Bioaccumulation.

1. Organohalogen compounds and substances which may form such compounds in the marine environment.[1]

2. Organophosphorous compounds and substances which may form such compounds in the marine environment.[1]

3. Organotin compounds and substances which may form such compounds in the marine environment.[1]

[1] With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

4. Mercury and mercury compounds.

5. Cadmium and cadmium compounds.

6. Used lubricating oils.

7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.

8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.

9. Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment.

B. The present annex does not apply to discharges which contain substances listed in section A that are below the limits defined jointly by the Parties.

ANNEX II

A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purposes of article V of this Protocol, have been selected mainly on the basis of criteria used for annex 1, while taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.

1. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
Lead	Titanium	Uranium	Silver

2. Biocides and their derivates not covered in annex 1.

3. Organosilicon compounds and substances which may form such compounds in the marine environment, excluding those which are biologically harmless or are rapidly converted into biologically harmless substances.

4. Crude oils and hydrocarbons of any origin.

5. Cyanides and fluorides.

6. Non-biodegradable detergents and other surface-active substances.

7. Inorganic compounds of phosphorus and elemental phosphorus.

8. Pathogenic micro-organisms.

9. Thermal discharges.

10. Substances which have a deleterious effect on the taste and/or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.

11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.

12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea water.

13. Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are discharged.

B. The control and strict limitation of the discharge of substances referred to in section A above must be implemented in accordance with annex III.

ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in annexes I and II of this Protocol, particular account will be taken, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

1. Type and size of waste source (e.g. industrial process).

2. Type of waste (origin, average composition).

3. Form of waste (solid, liquid, sludge, slurry).

4. Total amount (volume discharged, e.g. per year).

5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).

6. Concentrations with respect to major constituents, substances listed in annex I, substances listed in annex II, and other substances as appropriate.

7. Physical, chemical and biochemical properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.

2. Toxicity and other harmful effects.

3. Accumulation in biological materials or sediments.

4. Biochemical transformation producing harmful compounds.

5. Adverse effects on the oxygen content and balance.

6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographic characteristics of the coastal area.

2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.

3. Initial dilution achieved at the point of discharge into the receiving marine environment.

4. Dispersion characteristics such as effect of currents, tides and wind on horizontal transport and vertical mixing.

5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.

6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

(*a*) Alternative treatment processes;

(*b*) Re-use or elimination methods;

(*c*) On-land disposal alternatives; and

(*d*) Appropriate low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human health through pollution impact on:

(*a*) Edible marine organisms;

(*b*) Bathing waters;

(*c*) Aesthetics.

Discharges of waste containing substances listed in annexes I and II shall be subject to a system of self-monitoring and control by the competent national authorities.

2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats.

3. Effects on other legitimate uses of the sea.

Protocol for the Protection of the South East Pacific Against Radioactive Contamination, Paipa, 1989

Done at Paipa 21 September 1989

Not in force

Primary source citation: Copy of text provided by the United Nations Environment Program

THE HIGH CONTRACTING PARTIES

Conscious of the need to protect and preserve the marine environment of the South East Pacific against radioactive pollution,

Recognizing the need to adopt measures to prohibit any dumping and/or burial of radioactive wastes or other radioactive substances at sea and/or on the sea-bed or in the subsoil thereof,

Having in mind the Convention for the protection of the Marine Environment and Coastal Area of the South-East Pacific of 1981,

Have agreed as follows:

PROTOCOL FOR THE PROTECTION OF THE SOUTH EAST PACIFIC AGAINST RADIOACTIVE CONTAMINATION

ARTICLE I

Geographical Coverage

The sphere of application of the present Protocol shall be the sea area of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties.

The Protocol shall also apply to the entire continental shelf when this is extended by the High Contracting Parties beyond their 200 miles.

ARTICLE II

General Obligations

The High Contracting Parties agree to prohibit all dumping of radioactive wastes and other radioactive substances in the sea and/or the sea bed within the sphere of application of the present Protocol.

The High Contracting Parties also agree to prohibit all burial of radioactive wastes or other substances in the subsoil of the sea within the sphere of application of the present Protocol.

For the purposes of the present Protocol, "dumping" shall mean any deliberate disposal in the sea of radioactive wastes and other radioactive substances from ships, aeroplanes, platforms or other man-made structures at sea; and any deliberate disposal at sea of vessels, aeroplanes, platforms and other man-made structures at sea that contain or transport such wastes and other substances.

ARTICLE III

Measures to Avoid Contamination

The High Contracting Parties shall adopt the measures necessary for activities under their jurisdiction or control to be carried out in such a way that they do not cause damage by contamination to other Contracting Parties or to their environment or to areas situated beyond their area of sovereignty and jurisdiction. In addition, the High Contacting Parties agree not to engage in the activities referred to in the previous Article in areas situated beyond their areas of sovereignty and jurisdiction.

ARTICLE IV

Determination of Radioactive Wastes and Other Radioactive Substances

The prohibition established by Articles II and III covers the dumping and the burial of all radioactive wastes and other radioactive substances considered as such in accordance with the recommendations issued by the competent international body, which is currently the International Atomic Energy Agency.

Where there are doubts as to whether or not a waste or substance is radioactive, it shall be subject to the prohibition under Articles II and III until such time as Executive Secretariat confirms, taking due account of the recommendations of the International Atomic Energy Agency, that such waste or substance is harmless.

ARTICLE V

Scientific and Technical Co-operation

The High Contracting Parties undertake to co-operate directly through the Executive Secretarial or competent international organizations in the fields of science and technology and shall exchange data and information related to the fulfilment of the objectives of the present Protocol.

ARTICLE VI

Exchange of Information

The High Contracting Parties undertake to exchange among themselves and transmit to the Executive Secretariat information on:

(a) Scientific, technical or other assistance programmes or measures among the Parties, that might include training of scientific and technical personnel, provision of equipment and services, and advice on assessment and monitoring programmes;

(b) Research programmes which they are conducting in order to develop new methods and techniques for the management of radioactive wastes and other radioactive substances;

(c) Results achieved by the monitoring programmes;

(d) Measures taken, the results achieved and the difficulties encountered in the application of this Protocol.

ARTICLE VII

Monitoring Programmes

The High Contracting Parties, directly or in co-operation with the Executive Secretariat or competent international organizations, shall establish individual or joint programmes in monitoring the geographical area covered by the present Protocol.

To this end, the High Contracting Parties shall designate the authorities responsible or monitoring within their respective maritime areas of sovereignty and jurisdiction and shall participate, as far as possible, in international agreements for that purpose in the areas situated outside the limits of their sovereignty and jurisdiction.

ARTICLE VIII

Co-operation in Cases of Emergency

The High Contracting Parties shall promote, individually or collectively, contingency programmes in order to prevent any incident which might result in the dumping of radioactive wastes and other radioactive substances.

To this end, they shall maintain the necessary resources, including experts and equipment, for the effective implementation of these programmes.

ARTICLE IX

Training Programmes

The High Contracting Parties shall endeavour to develop and organize training programmes to maintain regional co-operation mechanisms referred to in this Protocol at peak efficiency.

ARTICLE X

Measures in the Event of Force Majeur

If because of force majeur, in order to safeguard human life on board vessels, aircraft, platforms or other man-made structures at sea, dumping of radioactive wastes and/or other radioactive substances occurs within the sphere of application of the present Protocol, the High Contracting Parties shall co-operate to the extent possible to reduce immediately the danger of contamination of the marine environment.

To this end, the High Contracting Parties undertake to co-ordinate the use of available means of communication with a view of ensuring the timely reception, transmission and dissemination of all information on such emergency measures.

The information obtained shall be communicated immediately to the Contracting Parties that may be affected by the danger of contamination.

ARTICLE XI

Adoption of Laws and Regulations

The High Contracting Parties shall adopt national laws and regulations to prohibit the dumping and burial of radioactive wastes and other radioactive substances.

ARTICLE XII

Punitive Measures

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to adopt appropriate measures to prevent and penalize any act that infringes these provisions.

ARTICLE XIII

Executive Secretariat

For the purposes of the administration and application of the present Protocol, the High Contracting Parties hereby designate the Permanent Commission of South Pacific as to discharge the functions of Executive Secretariat under the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function by the Commission.

ARTICLE XIV

Meeting of the High Contracting Parties

The High Contracting Parties shall hold ordinary sessions every two years and extraordinary sessions at any time, whenever two or more of them so request.

At ordinary sessions, the High Contracting Parties shall examine, inter alia, the following in order to adopt appropriate resolutions and recommendations:

(a) The extent to which the present agreement is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in furtherance of the objectives of this Protocol;

(b) The need to amend or revise this Protocol and the desirability of expanding or modifying the resolutions and recommendations adopted in pursuance of this Protocol;

(c) The adoption of monitoring, training and contingency programmes;

(d) The performance of any other function that may assist achieving the aims of this Protocol.

ARTICLE XV

Entry into Force

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

ARTICLE XVI

Denunciation

The present Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

ARTICLE XVII

Amendments

The present Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force on the date of deposit of the third instrument of ratification with the Executive Secretariat.

ARTICLE XVIII

Accession

This Protocol shall be open for accession by any coastal state in the South East Pacific on the unanimous invitation of the High Contracting Parties.

Accession shall be effected by deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Protocol shall, for the State acceding to it, enter into force 60 days after the deposit of the relevant instrument.

ARTICLE XIX

Reservations

No reservations concerning the present Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF, the Plenipotentiaries, being duly authorized by their respective Governments, have signed the present Protocol in Paipa, Colombia, on the twenty first day of September, one thousand nine hundred and eighty nine.

Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific, Paipa, 1989

Done at Paipa 21 September 1989

Not in force

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL FOR THE CONSERVATION AND MANAGEMENT OF PROTECTED MARINE AND COASTAL AREAS OF THE SOUTH-EAST PACIFIC

The High Contracting parties,

Recognizing the need to adopt appropriate measures to protect and preserve ecosystems that are fragile, vulnerable or of unique natural value, as well as fauna and flora in danger of depletion and extinction,

Considering that there is a common interest in seeking to manage coastal zones, giving a rational value to the balance that should exist between conservation and development,

Considering that there is a need to establish protected areas, with special emphasis on parks, reserves, fauna and flora sanctuaries, and other categories of protected areas,

Having in mind that it is essential to regulate all activities that might result in deleterious effects on ecosystems, fauna and flora as well as their habitat,

Having in mind the Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific of 1981, have agreed on the following:

Have agreed on the following Protocol

ARTICLE I

Geographical Coverage

The sphere of application of the present Protocol shall be the sea area of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties.

This Protocol shall also apply to the entire continental shelf when this is extended by the High Contracting Parties beyond their 200 miles.

The coastal zone, where there is ecological interaction between the land, sea and atmosphere, shall be determined by each State party in accordance with appropriate technical and scientific criteria.

ARTICLE II

General Obligations

The High Contracting Parties undertake, individually or through bilateral or multilateral co-operation, to adopt appropriate measures in accordance with the provisions of the present Protocol to protect and preserve ecosystems that are fragile, vulnerable or of unique natural or cultural value, with particular emphasis on flora and fauna in danger of depletion and extinction, and, to this end, shall carry out studies aimed at rehabilitating the environment or rebuilding plant and animal populations where necessary.

To this end, the High Contracting Parties shall establish areas under their protection, in the form of parks, reserves, plant and animal sanctuaries and other categories of protected areas. Integrated management shall be established in these areas on the basis of studies and inventories of their resources, with a view to their sustainable development, and all activities that might result in deleterious effects on ecosystems, fauna and flora as well as their habitat shall be prohibited.

ARTICLE III

Information on Protected Areas

The High Contracting Parties undertake to provide each other with information, through the Executive Secretariat of this Protocol, concerning the designation of protected areas and, in doing so, shall indicate the factors that have been taken into account for arriving at such designation, such as the importance of the designated areas from the scientific, ecological, economic, historical, archaeological, cultural, educational, tourist, esthetic or other point of view.

The information provided by the High Contracting Parties shall refer to the potential effects on the environment, coastal resources or their value.

Each State Party shall, as far as possible and before establishing its protected area, exchange information on the subject with the other States Parties to this Protocol.

Each State Party shall inform the others, through the Executive Secretariat, on any change made in the legal regime or in the delimitation of its protected areas.

The Executive Secretariat shall keep a current register of information provided by States Parties on their protected areas, as well as of the regulatory measures adopted for such areas. The Executive Secretariat shall transmit to the other Parties, in due time, the reports received by it.

ARTICLE IV

Common Criteria

The High Contracting Parties shall adopt common criteria for the establishment of areas under their protection. To this end, if it is considered appropriate, they shall seek, jointly or individually, the advice and co-operation of competent international organizations.

ARTICLE V

Regulation of Activities

In the protected areas, each High Contracting Party shall establish integrated environmental management along the following lines:

(a) Establishment of plant and animal management, in accordance with the specific characteristics of the protected areas;

(b) Prohibition of activities involving the exploration and mineral exploitation of the soil and sub-soil of the protected area;

(c) Regulation of all scientific, archaeological or tourist activity in the area;

(d) Regulation of trade that affects the fauna, flora and their habitat in the protected area;

(e) In general, prohibition of any activity that results in deleterious affects on the species, ecosystems or biological processes that such areas protect, as well as on their character as a national, scientific, ecological, economic, historical, cultural, archaeological or tourist asset.

ARTICLE VI

Other Zones

The High Contracting Parties shall establish, around the protected areas, buffer zones, where such zones do not exist, in which uses may be controlled in order to ensure fulfilment of the aims of the present Protocol.

ARTICLE VII

Measures to Prevent, Reduce and Control Pollution of the Protected Areas

The High Contracting Parties shall take, individually or jointly, every measure to prevent or reduce and control environmental degradation, including pollution, in the protected areas, from any source and activity, and shall endeavour to harmonize their policies in this respect.

Such measures shall include, inter alia, those designed to:

1. Prohibit the dumping of toxic, harmful or noxious substances, especially those of a persistent nature, from land-based sources, including rivers, estuaries, pipelines and outfall structures, and from or through the atmosphere.

2. Prevent, reduce and control, to the fullest possible extent:

(a) Pollution from vessels, including measures for preventing accidents and dealing with emergencies and for preventing dumping, whether or not intentional;

(b) The handling and transport of hazardous substances;

(c) The introduction of exotic species of fauna and flora, including transplants; and

(d) Other sets likely to produce in environmental degradation.

ARTICLE VIII

Environmental Impact Assessment

The High Contracting Parties shall conduct an environmental impact assessment of any act that might result in deleterious effects on protected areas and, to this end, shall establish a procedure for integrated analysis of the subject. They shall also exchange information on alternative activities or suggested measures to avoid such effects.

ARTICLE IX

Scientific and Technical Research, Environmental Education and Community Participation

The High Contracting Parties shall encourage scientific and technical research, environmental education and community participation as a basis for the conservation and management of the protected areas.

ARTICLE X

Arrangements for Co-operation

The High Contracting Parties shall, through the Executive Secretariat of the present Protocol, co-operate in the management and conservation of the protected areas and, to this end, shall exchange information on the programmes and research in their countries, as well as experiences recognized by each of them, particularly in the scientific, legal and administrative spheres. The Executive Secretariat may also seek such information from universities and specialized institutions in the States Parties to the present Protocol, through the Focal Points.

The High Contracting Parties shall, directly or through the Executive Secretariat, promote programmes of scientific, technical, legal, educational or other forms of assistance for the protected areas.

Such assistance shall include, inter alia:

(i) Training of scientific and technical personnel;

(ii) Participation in the respective programmes;

(iii) Provision of experts and equipment;

(iv) Provision of facilities for, and advice on, research, monitoring, educational, tourism and other programmes;

(v) Organization of a technical record of specialized legislation in each of the States Parties;

(vi) Dissemination of specialized information on the protected areas.

ARTICLE XI

Environmental Education

The High Contracting Parties shall encourage environmental education and community participation in the conservation and management of the protected areas.

ARTICLE XII

Authorities of the Protected Areas

The High Contracting Parties shall provide, through the Executive Secretariat, information on:

(a) The organization and national authorities responsible for the management of the protected areas;

(b) Research programmes in the protected areas.

ARTICLE XIII

Compliance and Punitive Measures

Each High Contracting Party undertakes to ensure compliance with the provisions of the present Protocol and to adopt the legal and administrative measures available to it to prevent or penalize any act that infringes these provisions.

The High Contracting Parties shall report to the Executive Secretariat on the measures adopted for the application of the provisions of the foregoing paragraph.

ARTICLE XIV

Meetings of the High Contracting Parties

The High Contracting Parties shall hold ordinary sessions at least every two years and extraordinary sessions at any time, whenever two or more of them so request. Such meetings shall be convened by the Executive Secretariat.

At ordinary meetings, the High Contracting Parties shall adopt resolutions on the basis of their consideration of, inter alia, the following:

(a) The extent to which the present Protocol is being implemented, the effectiveness of the measures taken and the need to develop other types of activities in furtherance of the objectives of this Protocol;

(b) The need to amend or revise this Protocol and the desirability of expanding or amending the resolutions in pursuance of it;

(c) The performance of any other function which may assist achieving the aims of this Protocol.

The High Contracting Parties shall endeavour to include in their meetings, as technical advisory bodies, the authorities responsible for the protected areas.

ARTICLE XV

Executive Secretariat of the Protocol

For the purposes of the administration and application of the present Protocol, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific (CPPS) to discharge the functions of Executive Secretariat under the Protocol. At their first meeting, the parties shall consider the procedure and financing for the performance of this function by the Commission.

ARTICLE XVI

Entry into Force

The present Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

ARTICLE XVII

Denunciation

The present Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate if forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

ARTICLE XVIII

Amendments

The present Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

ARTICLE XIX

Accession

The present Protocol shall be open for accession by any coastal state in the South East Pacific.*

Accession shall be effected by deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

The present Protocol shall, for the State acceding to it, enter into force 60 days after the deposit of the relevant instrument.

ARTICLE XX

Reservations

No reservations concerning this Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

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* Applies by extension to the Latin American States on the eastern Pacific coast.

Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency, Lima, 1981

Done at Lima 12 November 1981

*Entered into force 14 July 1986**

Depositary: Permanent Commission for the South Pacific

Primary source citation: Copy of text provided by the United Nations Environment Program

AGREEMENT ON REGIONAL CO-OPERATION IN COMBATING POLLUTION OF THE SOUTH-EAST PACIFIC BY HYDROCARBONS OR OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

The High Contracting Parties,

Recognizing that pollution of the sea by hydrocarbons or other harmful substances in the South-East Pacific constitutes a danger to the coastal States and the marine ecosystem,

Considering that the co-operation of all coastal States is necessary in order to combat such pollution,

Have agreed on the following:

Article I

The High Contracting Parties hereby agree to co-operate in taking the necessary measures to neutralize or control harmful effects in cases which they consider constitute a serious and imminent danger to the marine environment, the coast or related interests of one or more of them caused by the presence of massive quantities of hydrocarbons or other harmful substances resulting from emergency situations and polluting or threatening to pollute the maritime area specified in the following article.

* This Agreement is not in force for the United States.

Article II

The sphere of application of this Agreement shall be the area of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and, beyond that area, in the high seas up to a distance within which discharged pollutants constitute a danger, as referred to in article I, to the waters of the aforesaid area.

Article III

For the purposes of this Agreement, the term "related interests" shall mean the interests of a coastal State directly affected or threatened and, in particular, the following:

(*a*) The quality of life and health of coastal populations;

(*b*) The conservation of living resources;

(*c*) Activities in coastal waters, islands, ports and estuaries, including fishing activities; and

(*d*) The historical and touristic heritage of the area concerned, including sporting and recreational activities.

Article IV

The High Contracting Parties shall endeavour to promote and establish contingency plans and programmes aimed at combating marine pollution by hydrocarbons or other harmful substances, and to maintain and increase the resources necessary for those purposes, through bilateral or multilateral co-operation and the individual actions of each State. Such resources shall include, *inter alia*, equipment, ships, aircraft and trained manpower for emergency operations.

Article V

The High Contracting Parties shall carry out, either individually or through bilateral or multilateral co-operation, monitoring activities covering the South-East Pacific with the aim of obtaining accurate and timely information in emergency situations referred to in article I of this agreement.

Article VI

If harmful substances in containers, portable tanks or tank-vehicles, such as trucks or railway wagons, are thrown or lost overboard, the High Contracting Parties shall co-operate, to the extent of their capabilities, in salvaging and recovering such substances, with the aim of reducing the danger of pollution of the marine environment.

Article VII

The High Contracting Parties undertake to exchange information on the following:

(*a*) The competent national organization or authorities responsible for combating marine pollution;

(*b*) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out assistance programmes or measures for the benefit of the parties; and

(*c*) Research programmes which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results of such programmes.

Article VIII

The High Contracting Parties undertake to co-ordinate the use of the available communication media in order to ensure the timely reception, transmission and dissemination of all information on emergency situations referred to in article I.

Article IX

The High Contracting Parties shall issue instructions to the masters of ships flying their flag and the commanders or pilots of aircraft registered in their territory to report the following by the most expeditious means and in accordance with the guidelines contained in the annex to this Agreement:

(a) The presence, characteristics and extent of oil slicks and other harmful substances observed in the sea which may constitute an imminent threat to the marine environment or related interests of one or more of the Contracting Parties; and

(b) Any other emergency which causes or threatens to cause pollution of the marine environment.

Information collected in accordance with the first paragraph of this article shall immediately be communicated to the Contracting Parties which may be affected by the danger of pollution.

Article X

High Contracting Parties faced with an emergency situation as defined in article I of this Agreement shall take the following measures:

(a) They shall assess the nature and extent of the emergency and, as the case may be, the type and approximate quantity of hydrocarbons or other pollutants, including the direction and the speed of drift of the spillage;

(b) They shall adopt all appropriate measures to avoid or reduce the effects of the pollution;

(c) They shall immediately report upon the activities referred to in the preceding sub-paragraphs and any other action which they are undertaking or intend to undertake in order to combat the pollution; and

(d) They shall observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution. The information obtained from such observation shall be communicated to the High Contracting Parties in the manner provided for in the preceding article.

Article XI

High Contracting Parties requiring assistance in combating pollution in cases of emergency as referred to in article I may request the co-operation of the other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in the light of their capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the co-operation they are able to provide.

Article XII

The High Contracting Parties shall hold ordinary sessions at least every two years and extraordinary sessions at any time whenever two or more of them so request.

The ordinary sessions shall be held at the same time as those of the Coordinating Commission for Scientific Research of the Permanent Commission of the South Pacific, or its Legal Commission.

At ordinary sessions, the High Contracting Parties shall examine, inter alia, the following points:

(a) The extent to which this Agreement is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities;

(b) The advisability of amending or revising the annex to this Agreement, and of modifying or expanding any resolutions adopted in pursuance thereof; and

(c) The performance of any other function which may assist in achieving the purposes of this Agreement.

Article XIII

For the purposes of the administration and application of this Agreement, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific as Executive Secretariat of the Agreement. At their first meeting the Parties shall establish the procedure and financing for the performance of this function.

Article XIV

This Agreement shall enter into force sixty days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article XV

This Agreement may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect one hundred and eighty days after the date of such notification.

Article XVI

This Agreement may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force once the third instrument of ratification has been deposited with the Executive Secretariat.

Article XVII

This Agreement shall be open for accession by any State bordering the South-East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Agreement shall enter into force for the State acceding to it sixty days after the deposit of the relevant instrument.

Article XVIII

No reservations concerning this Agreement may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement in the city of Lima, on the twelfth day of November, one thousand nine hundred and eighty-one.

ANNEX

Content of the report to be drafted pursuant to article IX of the Agreement

Article I

Each report shall, if possible, contain the following:

(*a*) Identification of the source of pollution, identity of the ship, where appropriate;

(*b*) The geographical position, time and date of the incident or sighting;

(*c*) The wind and sea conditions prevailing in the area;

(*d*) If the pollution has been caused by a ship, relevant details concerning the state of that ship;

(*e*) A clear indication or description of the harmful substances involved, including their correct technical names. Trade names shall not be used in place of such technical names;

(*f*) An accurate or estimated indication of the quantities, concentration and likely condition of the harmful substances discharged or likely to be discharged into the sea;

(*g*) A description of the packaging and identification marks;

(*h*) The name of the consignor, consignee or manufacturer; and

(*i*) Such other information as the reporting officer may consider relevant.

Article II

Each report shall, as far as possible, indicate clearly whether the harmful substance discharged or likely to be discharged is a hydrocarbon or a harmful liquid, solid or gaseous substance, and whether the substance was or is carried in bulk or contained in packaging, portable tanks, tank-vehicles or tank-wagons.

Article III

Any person referred to in article IX of this Agreement shall, as far as possible:

(*a*) Include in the initial report data concerning the development of the situation; and

(*b*) Comply with such requests for additional information as may be made by the States affected.

Supplementary Protocol to the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances, Quito, 1983

Done at Quito 22 July 1983

*Entered into force 20 May 1987**

Primary source citation: Copy of text provided by the United Nations Environment Program

SUPPLEMENTARY PROTOCOL TO THE AGREEMENT ON REGIONAL CO-OPERATION IN COMBATING POLLUTION OF THE SOUTH-EAST PACIFIC BY HYDROCARBONS OR OTHER HARMFUL SUBSTANCES

The High Contracting Parties,

Recognizing that the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency establishes general principles on the subject,

Considering that it is necessary to supplement those rules by specifying the co-operation mechanisms that would function in the event of a massive oil spill with which an individual country is unable to cope single-handedly, together with the contingency plan that each country should establish,

Bearing in mind that the high cost of the measures that should be adopted calls for a rational employment of equipment, material and experts so as to enhance the possibilities of making good use of external assistance,

Hereby agree as follows:

Article I

CO-OPERATION MECHANISMS IN THE EVENT OF OIL SPILLS

(*a*) Each High Contracting Party shall designate the authority responsible for requesting or providing assistance in cases of emergency and shall keep the other High Contracting Parties informed of any change or designation for this purpose.

It shall also keep the other High Contracting Parties informed of the experts and equipment, material and other items which it is able to provide in cases of emergency.

* This Supplementary Protocol is not in force for the United States.

(*b*) Requests for assistance shall be made by the most expeditious means, if possible by telex. Such requests should indicate the nature and scale of the assistance requested, stating the amount and type of such assistance and the approximate period for which it would be required.

The Executive Secretariat, in consultation with the High Contracting Parties, shall endeavour to establish a procedure for the fulfilment of such requests and for the exchange of information required in order to provide assistance in cases of emergency.

The requesting High Contracting Party should state exactly the number of experts it requires and the type, make and quantity of equipment and material required. It should also state how many trained personnel it has available to make use of such equipment and material and the supplementary equipment and installations needed in order to operate them.

The High Contracting Party or Parties to which a request has been addressed shall consider the assistance requested and shall take a decision as soon as possible, immediately stating the form, extent and conditions of the co-operation that they will provide.

(*c*) Without prejudice to the provisions of the second section of paragraph (*a*), the High Contracting Parties shall conduct a study of the existing stock of items that may be provided and their estimated cost, so that the Agreement may be implemented in cases of emergency, and in particular on:

(i) The rental cost of each item of spill control equipment, including the payment of insurance coverage against possible damage and partial or total loss during the period for which assistance is extended;

(ii) The value of the material which they are able to provide in cases of emergency;

(iii) The cost of transporting the equipment and material from the various places where they are stored to specific destinations in the other High Contracting Parties;

(iv) The cost of the participation of experts and trained personnel in an assistance operation;

(v) The payment arrangements for the services, material and equipment requested.

The figures arrived at by each High Contracting Party on the basis of the above-mentioned estimates shall reflect the actual cost of the co-operation to be extended. They shall not incorporate any earnings or profit for the High Contracting Party providing the assistance.

(*d*) Each High Contracting Party shall determine the approximate length of time during which it would be able to provide the assistance requested. In any case, it shall enjoy priority in the use of equipment and material should an emergency occur simultaneously in its own maritime area of sovereignty and jurisdiction.

A High Contracting Party receiving material undertakes to pay for it or replace it promptly, including the cost of carriage back to the place from which it came.

In each case the High Contracting Parties shall adopt the most appropriate and expeditious procedures for replacing any material they requested, taking account of the time required to purchase and transport it to its final destination.

(*e*) The High Contracting Parties shall keep a record of the amount and condition of the equipment and material dispatched and received. Once such goods have been received, any damage or loss, up to the time they are returned or reimbursed, shall be borne by the High Contracting Party requesting the assistance.

(*f*) The experts participating in emergency operations shall furnish advice to the authority officially designated in accordance with paragraph (*a*) and shall in no case be responsible for taking decisions. Such experts shall receive the same treatment as experts of international organizations in the same field.

(*g*) In view of the urgency of the co-operation requested, the customs and immigration services shall extend special concessions permitting the free movement of equipment, material and personnel necessary for the implementation of this Protocol; such equipment, material and personnel shall be granted appropriate exemptions so that timely and effective assistance can be afforded.

Article II
DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

The National Contingency Plan referred to in article IV of the Agreement shall cover at least the following aspects:

(*a*) Allocation of institutional and functional responsibilities for directing and executing operations to prevent, control and clean up spills of hydrocarbons or other harmful substances;

(*b*) Selection of the areas most vulnerable or sensitive to ecological or economic damage which will require special protection;

(*c*) The natural, atmospheric and marine conditions prevalent in such vulnerable areas;

(*d*) Optimum control and clean-up methods in various circumstances and vulnerable areas;

(*e*) Financial and physical resources, such as material and equipment available in the country and in the vulnerable areas, and criteria for the allocation of specialized equipment;

(*f*) Plan of action in cases of emergency;

(*g*) Arrangements for requesting and using outside assistance; and

(*h*) List of personnel and institutions involved in the plan of action.

Article III
TRAINING PROGRAMMES

The High Contracting Parties shall endeavour to develop and organize regular training programmes in order to maintain regional co-operation mechanisms referred to in this Protocol at peak efficiency.

Article IV
EXECUTIVE SECRETARIAT

For the purposes of the administration and application of this Protocol, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific as Executive Secretariat of the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article V
ENTRY INTO FORCE

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article VI
SCOPE OF THE PROTOCOL

Once this Additional Protocol enters into force, it shall form an integral part of the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency.

Article VII
DENUNCIATION

This Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of a written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article VIII
AMENDMENTS

This Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force once the third instrument of ratification has been deposited with the Executive Secretariat.

Article IX
ACCESSION

This Protocol shall be open for accession by any State bordering the South-East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Protocol shall enter into force for the State acceding to it 60 days after the deposit of the relevant instrument.

Article X
RESERVATIONS

No reservations concerning this Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol in the city of Quito on the twenty-second day of July, one thousand nine hundred and eighty-three.

Memorandum of Understanding on Port State Control, Paris, 1982

Done at Paris 26 January 1982

*Entered into force 1 July 1982**

Depositary: The Netherlands

Primary source citation: 21 ILM 1 (1982)

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Maritime Authorities of
Belgium
Denmark
Finland
France
Germany (Federal Republic of)
Greece
Ireland
Italy
Netherlands
Norway
Portugal
Spain
Sweden
United Kingdom of Great Britain and Northern Ireland

hereinafter referred to as "the Authorities"

RECALLING the Final Declaration adopted on 2 December 1980 by the Regional European Conference on Maritime Safety which underlined the need to increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ship ;

NOTING with appreciation the progress achieved in these fields by the Intergovernmental Maritime Consultative Organization and the International Labour Organization ;

NOTING also the contribution of the European Economic Community towards meeting the above mentioned objectives ;

* This Memorandum of Understanding is not in force for the United States.

MINDFUL that the principal responsibility for the effective application of standards laid down in international instruments rests upon the authorities of the State whose flag a ship is entitled to fly ;

RECOGNIZING nevertheless that effective action by port States is required to prevent the operation of substandard ships ;

RECOGNIZING ALSO the need to avoid distorting competition between ports ;

CONVINCED of the necessity, for these purposes, of an improved and harmonized system of port state control and of strengthening cooperation and the exchange of information

HAVE REACHED THE FOLLOWING UNDERSTANDING :

Section 1 Commitments

1.1. Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum.

1.2. Each Authority will maintain an effective system of port state control with a view to ensuring that, without discrimination as to flag, foreign merchant ships visiting the ports of its State comply with the standards laid down in the relevant instruments as defined in section 2.

1.3. Each Authority will achieve, within a period of 3 years from the coming into effect of the Memorandum, an annual total of inspections corresponding to 25% of the estimated number of individual foreign merchant ships, hereinafter referred to as "ships", which entered the ports of its State during a recent representative period of 12 months.

1.4. Each Authority will consult, cooperate and exchange information with the other Authorities in order to further the aims of the Memorandum.

Section 2 Relevant instruments

2.1. For the purposes of the Memorandum "relevant instruments" are the following instruments :

- the International Convention on Load Lines, 1966 ;

- the International Convention for the Safety of Life at Sea, 1974 ;

- the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 ;

- the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto ;

- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ;

- the Convention on the International Regulations for Preventing Collisions at Sea, 1972 ;

- the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147).

2.2. With respect to the Merchant Shipping (Minimum Standards) Convention, 1975 (ILO Convention 147), each Authority will apply the standard specified in Annex I.

2.3. Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument each Authority will apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the "relevant instrument" for that Authority.

2.4. In applying a relevant instrument for the purposes of port state control, the Authorities will ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party to that instrument.

2.5. In the case of ships below 500 tons gross tonnage the Authorities will apply those requirements of the relevant instruments which are applicable and will to the extent that a relevant instrument does not apply take such action as may be necessary to ensure that those ships are not clearly hazardous to safety, health or the environment, having regard in particular to Annex I.

Section 3 Inspection Procedures, Rectification and Detention

3.1. In fulfilling their commitments the Authorities will carry out inspections, which will consist of a visit on board a ship in order to check the certificates and documents relevant for the purposes of the Memorandum. In the absence of valid certificates or documents or if there are clear grounds for believing that the ship does not substantially meet the requirements of a relevant instrument, a more detailed inspection will be carried out. Inspections will be carried out in accordance with Annex I.

3.2. The Authorities will regard a "clear grounds" inter alia the following :

- a report or notification by another Authority ;

- a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded ;

- other indications of serious deficiencies, having regard in particular to Annex I.

3.3. In selecting ships for inspection, the Authorities will pay special attention to :

a/ - ships which may present a special hazard, for instance oil tankers and gas and chemical carriers ;

b/ - ships which have had several recent deficiencies.

3.4. The Authorities will seek to avoid inspecting ships which have been inspected by any of the other Authorities within the previous six months, unless they have clear grounds for inspection.

3.5. Inspections will be carried out by properly qualified persons authorized for that purpose by the Authority concerned and acting under its responsibility.

3.6. Each Authority will endeavour to secure the rectification of deficiencies detected.

3.7. In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in 3.8., ensure that the hazard is removed before the ship is allowed to proceed to sea and for this purpose will take appropriate action, which may include detention. The Authority will, as soon as possible, notify the flag State through its consul or, in his absence, its nearest diplomatic representative or its maritime authority of the action taken. Where the certifying authority is an organization other than a maritime administration, the former will also be advised.

3.8. Where deficiencies referred to in 3.7. cannot be remedied in the port of inspection, the Authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by that Authority with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the environment. In such circumstances the Authority will notify the competent authority of the region State where the next port of call of the ship is situated, the parties mentioned in 3.7. and any other authority as appropriate. Notification to Authorities will be made in accordance with Annex 2. The Authority receiving such notification will inform the notifying Authority of action taken.

3.9. The provisions of sections 3.7. and 3.8. are without prejudice to the requirements of relevant instruments or procedures established by international organizations concerning notification and reporting procedures related to port state control.

3.10. The Authorities will ensure that, on the conclusion of an inspection, the master of the ship is provided with a document, in the form specified in Annex 3, giving the results of the inspection and details of any action taken.

3.11. When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay.

Section 4 Provision of information

Each Authority will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in Annex 4.

Section 5 Operational Violations

The Authorities will upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and where appropriate to take a sample of any alleged pollutant.

Section 6 Organization

6.1. A Committee will be established, composed of a representative of each of the Authorities and of the Commission of the European Communities. An observer from each of the Intergovernmental Maritime Consultative Organization and the International Labour Organization will be invited to participate in the work of the Committee.

6.2. The Committee will meet once a year and at such other times as it may decide.

6.3. The Committee will :

- carry out the specific tasks assigned to it under the Memorandum ;

- promote by all means necessary, including seminars for surveyors, the harmonization of procedures and practices relating to inspection, rectification, detention and the application of 2.4. ;

- develop and review guidelines for carrying cut inspections under the Memorandum ;

- develop and review procedures for the exchange of information ;

- keep under review other matters relating to the operation and the effectiveness of the Memorandum.

6.4. A secretariat provided by the Netherlands' Ministry of Transport and Public Works will be set up and will have its office in The Hague.

6.5. The secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will :

- prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions ;

- facilitate the exchange of information, carry out the procedures outlined in Annex 4 and prepare reports as may be necessary for the purposes of the Memorandum ;

- carry out such other work as may be necessary to ensure the effective operation of the Memorandum.

Section 7 Amendments

7.1. Any Authority may propose amendments to the Memorandum.

7.2. In the case of proposed amendments to sections of the Memorandum the following procedure will apply :

a/ - the proposed amendment will be submitted through the secretariat for consideration by the Committee ;

b/ - amendments will be adopted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee. If so adopted an amendment will be communicated by the secretariat to the Authorities for acceptance ;

c/ - an amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the secretariat by an Authority ;

d/ - an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

7.3. In the case of proposed amendments to Annexes of the Memorandum, the following procedure will apply :

a/ - the proposed amendment will be submitted through the secretariat for consideration by the Authorities ;

b/ - the amendment will be deemed to have been accepted at the end of a period of three months from the date on which it has been communicated by the secretariat unless an Authority requests in writing that the amendment should be considered by the Committee. In the latter case the procedure specified in 7.2. will apply ;

c/ - the amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the Authorities.

Section 8

8.1. The Memorandum is without prejudice to rights and obligations under any international Agreement.

8.2. A Maritime Authority of another State may, with the consent of the Authorities participating in the Memorandum, adhere to the Memorandum. For such an Authority the Memorandum will take effect upon such date as may be mutually agreed.

8.3. When the Memorandum takes effect, it will supersede the "Memorandum of Understanding between Certain Maritime Authorities on the Maintenance of Standards on Merchant Ships", signed at The Hague on 2 March 1978.

8.4. The Memorandum will take effect on 1 July 1982.

8.5. The English and French versions of the text of the Memorandum are equally authentic.

Signed at PARIS in the English and French languages,

this twenty-sixth day of January one thousand nine hundred and eighty-two.

A N N E X E S

TO THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL.

ANNEX 1 GUIDELINES FOR SURVEYORS.

ANNEX 2 TELEX FORM.

ANNEX 3 REPORT ON INSPECTION.

ANNEX 4 INFORMATION SYSTEM ON INSPECTIONS.

A N N E X 1.

GUIDELINES FOR SURVEYORS.

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SECTION 3 - MINIMUM MANNING STANDARDS AND CERTIFICATION.

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SECTION 6 - POLLUTION PREVENTION.

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1 - GENERAL

1.1 Guidelines to be observed in the inspection of foreign ships.

The guidelines mentioned in Section 3.1 of the Memorandum refer to :

- Procedures for the Control of Ships (IMCO Res. A. 466 (XII)

- Principles of Safe Manning (IMCO Res. A. 481 (XII) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2).

- The procedures laid down in this Annex to the Memorandum.

1.2 Principles governing rectification of deficiencies or detention of a ship.

In taking a decision concerning the rectification of a deficiency or detention of a ship, the surveyor shall take into consideration the results of the detailed inspection carried out in accordance with Section 3.

The surveyor shall exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health, or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards, accidents prevention and occupational health, special procedures shall be observed set out in paragraphs 3 and 4 of this Annex.

1.3 Application of the clause of "no more favourable treatment".

In applying Section 2.4 the following shall be observed.

Ships entitled to fly the flag of a State which is not a party to a relevant Instrument listed in Section 2 and thus not provided with certificate representing prima facie evidence of satisfactory conditions on board, shall

receive a detailed inspection. In making such an inspection the surveyor should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

The conditions of and on such a ship and its equipment and the certification of the crew, its number and composition shall be compatible with the aims of the provisions of a relevant instrument ; otherwise the ship shall be subject to such restrictions as are necessary to obtain a comparable level of safety.

2 - THE SAFETY OF THE SHIP AS RELATED TO THE 1974 SOLAS CONVENTION AND 1978 PROTOCOL, THE 1966 LOAD LINES CONVENTION AND THE 1972 CONVENTION FOR PREVENTING COLLISIONS AT SEA.

2.1 More Detailed inspection.

In so far as there are clear grounds for a more detailed inspection relating to the provisions of the SOLAS Convention, the Protocol thereto, the Load Lines Convention and the Convention on Collision Regulations the surveyor when carrying out this inspection shall take into account the considerations given in the "Procedures for the Control of Ships" (IMCO Res. A. 466 (XII).

3 - MINIMUM MANNING STANDARDS AND CERTIFICATION.

3.1 Introduction

The guiding principle for port state inspection of the manning of a foreign ship should be to establish conformity with the flag State's safe manning requirements. Where this is in doubt the flag State should be consulted. Such safe manning requirements stem from :

- the International Convention for Safety of Life at sea (SOLAS) 1974.

- the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which interalia refers to the ILO Convention N° 53 Article 3 and 4.

- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STC W) 1978.

- the Contents of Minimum Safe Manning Document (IMCO Res. A. 481 (XII), Annex 1).

- the Guidelines for the Application of Principles of Safe Manning (IMCO Res. A. 481 (XII), Annex 2).

It should be noted that when the STCW Convention comes into force the following guidelines may require revision.

Detention as port State action shall only be taken on the grounds laid down in the relevant instruments and used in conjunction with advice from the flag State. Where such response is not readily forthcoming, and the extent of the manning deficiency is such as to render the ship clearly unsafe for the intended voyage or service, detention may be only resort.

3.2 Manning control.

3.2.1 If a ship carries a safe manning document issued by the flag State and is manned in accordance with it, the surveyor should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the IMCO Guidelines for the Application of Principles of Safe Manning. In this last case, the surveyor should act according to the procedures defined in paragraph 3.2.3.

3.2.2 If the actual crew number or composition does not conform to the manning document, the port State should request the flag State for advice whether or not the ship can sail with the actual number of crew and its composition. Such request should be made as quickly as possible. The reply if any, from the flag State should be confirmed by telex. If the actual crew number and composition is not brought into accordance with the safe manning

document or the flag State does not advise that the ship could sail, the ship may be considered for detention after the criteria set out in paragraph 3.4 of this Annex have been taken into proper account.

3.2.3 If the ship does not carry a safe manning document issued by the flag State and if the surveyor is not satisfied in his professional judgement that the ship is safely manned taking into account inter alia, the principles contained in the IMCO Guidelines for the Application of Principles of Safe Manning, the port State will notify the flag State and will request that State to define the necessary crew number and composition for the ship applying the principles contained in the IMCO Guidelines.

If the flag State does not respond with a manning standard for the particular ship the port State will examine the composition and number of the crew, taking into account the principles contained in the IMCO Guidelines, and the ship shall only be allowed to proceed if it is considered safe to do so, taking into account the criteria for detention under paragraph. 3.4. In any such case the minimum standards to be applied shall be no more stringent than those applied to ships flying the flag of the port State.

3.3 Certification control.

3.3.1 Certificates of competency or dispensations shall be accepted as valid unless there is reason to believe that the holder of a certificate is not the authorised bearer or in a case of manifest fraud.

3.3.2 If the master, the chief engineer officer or the chief mate do not hold appropriate certificates the ship may be detained. The port State shall request the flag State to issue an authorisation for the ship to sail. If such an authorisation is not given and the deficiency is not rectified the ship shall be detained.

3.3.3 When the deficiency concerns the absence of appropriate documents relating to the qualification of any other officer in charge of navigational and engineering watches, the port State shall notify the flag State. Detention should not be considered unless the extent of the deficiency is such as to render the ship unsafe.

3.3.4 For the purpose of certification control of the Radio officer or the Radiotelephone operator reference is made to "Procedure for the control of ships" (IMCO Res. A. 466 (XII)).

3.3.5 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The surveyor should satisfy himself that the officers responsible for cargo handling and operation possess documentary evidence of having had the appropriate training and experience. No exemption from the carriage of such documentary evidence should be accepted. Where a deficiency is found the master should be informed and the deficiency rectified.

With regard to appropriate training reference is made to Resolutions 10, 11 and 12 adopted by the International Conference on Training and Certification of Seafarers 1978 and the relevant sections of the Bulk Chemical Code and the Gas Carrier Code.

3.4 Detention.

Before detaining a ship under paragraphs 3.2 or 3.3 of this Annex, the following circumstances should be considered :

- length and nature of the intended voyage or service.

- whether or not the deficiency poses a danger to ship, persons on board or the environment.

- whether or not appropriate rest periods of the crew can be observed.

- size and type of ship and equipment provided.

- nature of cargo.

The absence of a Deck or Engineer Officer required to be certificated should not be grounds for detention where the absence is in accordance with any exception provisions approved by the flag State.

4 - ACCIDENT PREVENTION, HEALTH AND HYGIENE.

4.1 Introduction

Inspections on board ships under the Merchant Shipping (Minimum Standard Convention, 1976 (ILO Convention 147) shall be carried out regarding :

a. minimum age.

b. medical examination.

c. certificates of competency.

d. food and catering.

e. crew accommodation.

f. prevention of occupational accidents.

Inspection regarding Certificates of competency is dealt with in paragraph 3 of this Annex.

In the exercise of control functions the surveyor, in the light of his general impression of the ship, will have to use his professional judgement to decide whether the ship shall receive a more detailed inspection. All complaints regarding conditions on board should be investigated thoroughly and action taken as deemed necessary by the circumstances.

He shall also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions, and may if necessary detain the ship until the appropriate corrective action is taken.

When a ship receives a more detailed inspection it should be ensured that the conditions on board the ship are in substantial conformity with the following principles:

4.2 Minimum age.

4.2.1 Children under the age of fourteen shall not be employed or work on a ship.

4.2.2 If a child under the age of fourteen years is found to be on board a ship the surveyor, when in doubt, may require proof that the child concerned is not a member of the crew.

4.2.3. The provisions of paragraphs 4.2.1 and 4.2.2 do not apply to employment of or work done by children.

a. on a ship on which only members of the same family are employed.

b. on a school ship or training ship, provided that the master of the ship can submit documents issued by the flag State, to the effect that the employments or work is approved and supervised by public authority, and that the ship is solely in use for training purposes.

4.2.4 Remarks. The surveyor may need to check that the crew list, the articles of agreement or a similar document does not indicate any person under the age of 14 years.

4.3. Medical examination.

4.3.1. A person who is employed in any capacity on board a ship not treated by the flag State as a small ship shall hold a medical certificate, signed by a person authorized by the competent authority of the flag State to issue such certificates.

4.3.2. A medical certificate is not required for :

a. a pilot (not being a member of the crew) ;

b. persons employed on board by an employer other than the master or the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;

c. travelling dockers (longshoremen), not being members of the crew ;

d. persons employed in ports who are ordinarily employed at sea.

4.3.3. The medical certificate shall attest in particular that the person concerned is not suffering from any disease likely to be aggravated by, or to render him unfit for service at sea or likely to endanger the health of other persons on board.

The medical certificate shall attest that the person concerned is fit by reason of hearing, sight and general health for the work for which he is to be employed at sea. In addition the medical certificate of any person to be employed on deck watchkeeping duties shall attest that his colour vision is satisfactory.

4.3.4. The medical certificate shall not be older than two years or, as regards colour vision, not older than six years as from the date of issue.

4.3.5. Remarks.

The surveyor may adopt the following procedure as a guide :

1. The medical certificates on board should be compared with the crew list to verify the possession of the required certificate by each seafarer concerned.

2. The medical certificates should be examined to verify the period of validity.

3. Confirmation should be made that medical certificates include an attestation to satisfactory hearing and sight and also to satisfactory colour vision for the seafarers requiring this qualification.

4. If there are no medical certificates on board, it should be determined whether there is any other evidence of complying with the medical examination requirements.

4.4 Food and catering.

4.4.1 Any ship shall have on board food and water supplies which, having regard to the size of the crew and the duration and the nature of the voyage, are suitable in respect of quantity and quality.

4.4.2 All spaces and equipment for the storage and handling of food and water, and the galley and other equipment for the preparation and service of meals, shall be maintained in such a manner as to permit the service of proper meals to the members of the crew.

4.4.3 The ventilation, lighting, water system, and other equipment of galleys and other catering department spaces on board, including store rooms and refrigerated chambers, shall be maintained in such a manner as to ensure the health and safety of the members of the crew.

4.4.4 Remarks.

The surveyor may adopt the following procedure as a guide :

1. If available, the recorded results of periodic inspections of the catering department should be noted as a means of acquiring a general impression of the over-all standards regularly maintained and any previous need for improvements.

2. A visual observation should be made of the general arrangement and cleanliness of food stores, galleys, mess rooms and other catering department spaces on board, including measures taken to prevent contamination of food and the procedures for waste disposal.

3. The operation and standard of maintenance of ventilation, heating, lighting and water-systems ; galley and mess room equipment ; refrigerated chambers and other equipment ; fittings and apparatus of the catering department, should be checked for indications of malfunction.

4.5 Crew accomodation.

4.5.1 Except as otherwise provided all ships, of 200 gross register tons and over, not being tugs shall comply with the standards set in paragraphs 4.5.2 to 4.5.16.

4.5.2 Crew accomodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not being the personal property of the occupants.

4.5.3 Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

4.5.4 The crew accommodation shall be provided with sufficient drainage.

4.5.5 An adequate system of heating and ventilating the crew accommodation shall be provided. The heating shall be by means of steam, hot water, warm air or electricity.

Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid danger.

4.5.6 The crew accommodation shall be adequately lighted.

4.5.7 The means of access, structure and arrangements of the crew accommodation shall be such as to ensure adequate security and protection against weather and sea, and shall be adequately insulated to prevent condensation or overheating, undue noise or effluvia from other spaces.

4.5.8 There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms and drying rooms.

Bulkheads separating such places from sleeping rooms shall be efficiently constructed and shall be watertight and as gastight as appropriate.

4.5.9 1. Each sleeping room shall be provided with a table or desk, and for each of its occupants a clothes locker and a drawer.

2. The clear head room in a sleeping room shall not be less than 6 ft. 3 ins. (190 cm.).

4.5.10 1. Members of the crew shall be provided with individual berths.

2. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

3. The minimum inside dimensions of a berth shall be 6 ft. 3 ins. by 2 ft. 3 ins. (190 cm. by 68 cm.).

4. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress. Stuffing of straw or other material likely to harbour vermin shall not be used.

4.5.11 There shall be at least the following sanitary facilities :

1. one tub and/or shower bath for every eight persons, or less ;

2. one water closet for every eight persons, or less ;

3. one wash basin for every six persons or less ;

In ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

4.5.12 Sanitary accommodation shall comply with the following requirements:

1. floors shall be of durable material, easily to be cleaned and impervious to damp, and shall be properly drained ;

2. the accommodation shall be sufficiently lighted, heated and ventilated ;

3. water closets shall be situated convenient to, but separated from, sleeping rooms ;

4. cold fresh water and hot fresh water shall be available in all communal wash places.

4.5.13 1. All water closets shall have ventilation to the open air, independently of any other part of the crew accommodation.

2. All water closets shall be provided with an ample flush of water, available at all times and independently controllable.

3. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

4.5.14 There shall be mess room accommodation located apart from the sleeping rooms and as close as practicable to the galley.

4.5.15 In every ship which does not carry a doctor an adequate medicine chest with readily understandable instructions shall be carried.

4.5.16 Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

4.5.17 Ships of 500 gross register tons and over, not being tugs, shall be provided with facilities for washing and drying of clothes in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fitting for hanging clothes.

4.5.18 On ships of 500 gross register tons and over, not being tugs, carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, not being a coastal voyage, separate hospital accommodation shall be provided.

Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation or in close proximity thereto.

4.5.19 Remarks.

The surveyor may adopt the following procedure as a guide :

1. If available, the recorded results of weekly inspections of crew accommodation carried out by ships' personnel should be examined as a means of acquiring a general impression of the over-all standards regularly maintained and any previous notations of deficiencies.

2. Crew accommodation should be visually inspected to obtain an impression of its existing condition and the standard of maintenance. Special attention should be given to heating , ventilation and lighting systems ; communal water closets and washing facilities ; the condition of fittings and appurtenances, and rodent and vermin control. Items previously noted at one time or another as deficient, or subjects of complaints from the crew, should also be given particular attention. The impracticability and difficulty of ships between 200 and 500 gross registered tons complying fully with certain of the aforementioned standards should be borne in mind.

4.6 Accident prevention and occupational health.

4.6.1 Introduction.

For the purpose of port state control the surveyor should have regard to the following safety standards where a detailed inspection appears to be justified.

4.6.2 Basic requirements.

4.6.2.1 On and below deck the following safety measures shall be observed :

1. A safe means of access should be provided. Wherever possible this should be by means of an accommodation ladder or gangway with side rails and adequately secured. The means of access should have satisfactory illumination throughout its length during the hours of darkness.

2. Decks, holds and hold accesses where people are to work or pass shall have adequate lighting and shall as far as reasonably practicable be kept clear and free from objects which may cause slipping or falling. Permanent obstructions shall be painted in a conspicuous colour.

3. Electrical equipment shall be so protected and maintained as to prevent danger to people on board.

4. All places on board where people have to work or pass shall be adequately ventilated and lighted.

5. There shall be at least one fixed ladder for access to holds or similar parts of the ship with a depth of more than 1,5 Metres. Approaches to such ladders shall be of reasonable width for access and not obstructed. Where a hold is divided by shifting boards or permanent bulkheads at least one fixed ladder shall be provided on each side of the boards or bulkhead.

6. The rails or fencing in way of hatchways or other opening and the deckrail shall be of safe construction and strength. Maintenance of hatch covers and beams shall be in good state of repair with means for securing them in a safe manner.

7. There shall be guards or fencing around dangerous parts of machinery to prevent injury to personnel. There shall be instructions on first aid resuscitation in the vicinity of switchboards.

8. Steam pipes, exhaust pipes and fittings which by their location and temperature present a hazard, shall be adequately insulated or otherwise protected.

9. There shall be on board means for determining the presence of harmful or noxious gases or a deficiency of oxygen in any tank or compartment which it may be necessary to enter.

This requirement applies to dry cargo ships or passenger-ships, only when prescribed by the flag State.

Warning notices shall be fixed in danger areas.

4.6.2.2 The loading and unloading equipment shall be in good condition.

There shall be on board certificates stating to the fact that regular inspections and tests of the loading and unloading equipment have been carried out by and to the satisfaction of a competent authority.

Safe working loads shall be clearly indicated on the loading and unloading equipment.

4.6.2.3 In holds open or naked lights shall not be used.

Portable lights shall be adequately protected to prevent breakage of the bulbs or their coming into contact with combustible material.

4.6.2.4 If members of the crew are required to handle consignments containing dangerous substances they shall be warned of the nature of the substances and of any special precautions to be observed.

4.6.2.5 1. There shall be on board equipment for the personal protection of the crew such as goggles or facial shields for eye protection, helmets, gloves, coveralls, safety boots, ear protectors against high noise levels, dust respirators, breathing apparatus and safety harness and lines.

2. Where cargoes presenting a special risk or dangerous goods are carried additional protective clothing shall be available, including a sufficient number of large aprons, special gloves with long cuffs, suitable footwear and coveralls of chemical resistant material.

3. All equipment for the personal protection of the crew shall be clean and properly maintained, and shall be stored in a special locker or room on board unless on permanent personal issue.

4. Adequate instructions for the use of the personal protection equipment shall be available on board the ship.

4.6.3 Remarks.

Where a detailed investigation appears to be justified the following should be taken into account :

1. Safety of Working areas ;

2. Safe means of access to the ship and any place on board where personnel are required to pass ;

3. Personal protective equipment and clothing reasonably required where adequate protection against risk of accident or injury can not be ensured by other means ;

4. Means for detecting the presence of harmful or noxious gases or an oxygen deficiency and the malfunctioning of such instruments ; concerning dry cargo ships and passenger ships, only if required by the flag State ;

5. The condition of ropes, wires, chains, etc. used for loadbearing purposes ;

6. Damages or defects as well as malfunctioning and inoperation of any machinery or equipment or instrumentation, special attention being paid to winches, windlasses, anchors, cables, chains and mooring arrangements ;

7. The marking of the safe working load on equipment required to be so marked ;

8. Rails and/or fencing around deck openings and machinery or equipment presenting a hazard to seamen ;

9. Adequate lighting of decks, holds, etc ;

10. Where dangerous goods are being carried, the provision to crew members of adequate information and precautionary instructions ;

11. The provision of first-aid facilities on board, including means for evacuating of injured persons and instructions on first-aid resuscitation in the vicinity of electrical switchboards.

Where it appears necessary and when the circumstances during the inspection make it possible the surveyor may also take safe working practices into consideration i.e. the use of personal equipment and procedures for entry into dangerous closed spaces.

If the surveyor considers that there are serious deficiencies in any of these respects, he should first ask the safety officer appointed in accordance with the Prevention of Accidents (Seafarers) Convention, 1970 (ILO Convention N° 134) and/or the master to show him any flag State regulations or codes of practice relevant to the deficiency. Any failure to comply with such flag State requirements or recommendations should be drawn to the

attention of the flag State. If there appear to be no or inadequate, flag State provisions in regard to the serious potential accident risks, the emission should similarly be drawn to the attention of the flag State.

4.6.4. Rectification.

If deficiencies or operational circumstances give rise to a serious hazard to the safety or health of persons on board, the surveyor shall take appropriate action to remove the hazard by requiring rectification of the deficiency or prohibiting continuation of the operation.

5 - SHIPS BELOW 500 TONS GROSS TONNAGE.

5.1 The following is a guide for the application of Section 2.5.

5.2 To the extent a relevant instrument is not applicable to a ship below 500 tons gross tonnage, the surveyor's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment the surveyor shall take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

5.3 In the exercise of his functions under paragraph 5.2 the surveyor should be guided by any certificates and other documents issued by the flag State. The surveyor will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in paragraph 5.2. When carrying out a more detailed inspection the surveyor shall, to the extent he deems necessary, pay attention to the items listed in paragraph. 5.4. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

5.4 Items of general importance.

5.4.1 Items related to the conditions of assignment of Load Lines:

- Weathertight (or watertight as the case may be) integrity of exposed decks ;
- Hatches and closing appliances ;
- Weathertight closures to openings in superstructures ;
- Freeing arrangements ;
- Side outlets ;
- Ventilators and air pipes ;
- Stability information.

5.4.2 Other items related to the Safety of Life at Sea :

- Life saving appliances ;
- Fire fighting appliances ;
- General structural conditions (i.e. hull, deck, hatch covers, etc.)
- Main machinery and electrical installations ;
- Navigational equipment including radio installations.

5.5 In the case of deficiencies which are considered hazardous to safety, health or the environment the surveyor shall take such action, which may include detection as may be necessary, having regard to the factors mentioned in paragraph. 5.2, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

6 - POLLUTION PREVENTION.

Text to be developed at a later date taking into account future IMCO guidelines.

ANNEX 2

TELEX FORM

In case of deficiencies not fully rectified or only provisionally repaired, a telex shall be sent to the competent authority of the region State where the next port of call of the ship is situated.

The telex shall be drafted as follows :

DATE : .....

FROM : COUNTRY ....., PORT .....

TO : COUNTRY ....., PORT .....

RE : deficiencies to be rectified

NAME OF SHIP ....., TYPE OF SHIP .....

FLAG OF SHIP ....., CALL SIGN .....

GROSS TONNAGE ....., YEAR OF BUILD .....

DEPARTED .....

ESTIMATED PLACE AND TIME OF ARRIVAL .....

NATURE OF DEFICIENCIES .....

.....

.....

SUGGESTED ACTION .....

.....

.....

SIGNED : .....

.....

ANNEX 3

ISSUING COUNTRY : _____

REPORT ON INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

NAME OF SHIP ..... TYPE OF SHIP .....

FLAG OF SHIP ..... CALL SIGN .....

GROSS TONNAGE ..... YEAR OF BUILD .....

DATE AND PLACE OF INSPECTION ..... 19....

NATURE OF DEFICIENCIES .....

.....

.....

ACTION TAKEN .....

.....

.....

PLACE .....

DATE ..... 19....

NAME AND SIGNATURE OF THE SURVEYOR AUTHORIZED BY THE MARITIME AUTHORITY

.....

.....

ANNEX 4

INFORMATION SYSTEM ON INSPECTIONS

1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Authorities up to date information on inspections of an individual foreign flag ship in one of the other regional ports within the preceding six months.

2 For that purpose the Authorities shall send a daily message preferably by telex on all the ships in the national ports to the "CENTRE ADMINISTRATIF DES AFFAIRES MARITIMES" in SAINT-MALO (C.A.A.M.).

3 The information set out in Annex 3 shall be sent in a standardized form (see Appendix) for each ship inspected.

4 The C.A.A.M. will organize the processing of information as in paragraph 3 above and will every second week send, in a microfiche form, an alphabetical list of ships inspected in the region in the previous period of six months to the Authorities concerned and to the Secretariat.

5 Information for administrative purposes, for instance statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on information provided by the C.A.A.M.

6 The information system indicated in the foregoing paragraphs will be implemented on a provisional basis from the time that the Memorandum takes effect. Further studies to develop a final system will continue.

7 Whenever deficiencies are found, the port state Authority will send a copy of Annex 3 to the regional flag Administration concerned.

APPENDIX TO ANNEX 4

TELEX FORM FOR SHIPS INSPECTED

REPORT OF INSPECTION

1 - ISSUING COUNTRY
2 - NAME OF SHIP
3 - TYPE OF SHIP
4 - FLAG OF SHIP
5 - CALL SIGN
6 - GROSS TONNAGE
7 - YEAR OF BUILD
8 - DATE AND PLACE OF INSPECTION
9 - NATURE OF DEFICIENCIES*
10 - ACTION TAKEN

* including reference to the relevant Conventions if shown on the document left on board.

Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, Jeddah, 1982

Done at Jeddah 14 February 1982

Entered into force 20 August 1985

Depositary: Saudi Arabia

Primary source citation: Copy of text provided by the United Nations Environment Program

REGIONAL CONVENTION FOR THE CONSERVATION OF THE RED SEA AND GULF OF ADEN ENVIRONMENT

The Governments of:
the Democratic Republic of the Sudan,
the Hashemite Kingdom of Jordan,
the Kingdom of Saudi Arabia,
Palestine represented by the Palestine Liberation Organization,
the People's Democratic Republic of Yemen,
the Somali Democratic Republic,
the Yemen Arab Republic,

Realizing that pollution of the marine environment in the waters of the Red Sea and Gulf of Aden by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities,

Mindful of the special hydrographic and ecological characteristics of the marine environment of the Red Sea and Gulf of Aden and the particular vulnerability of its coral reefs where most biota exist,

Conscious of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment,

Convinced of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment, jeopardize its living resources or create hazards to human health,

Recognizing the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner,

Recognizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the region,

Considering that the States of the Red Sea and Gulf of Aden have a special responsibility to protect the marine environment of the region,

Aware of the importance of co-operation and co-ordination of action on a regional basis with the aim of protecting the marine environment of the Red Sea and Gulf of Aden for the benefit of all concerned, including future generations,

Bearing in mind the existing international conventions relevant to the present Convention,

Aiming to fulfil the objectives of the Charter of the League of Arab States, and the Charter and Constitution of the Arab League Educational, Cultural and Scientific Organization,

Have agreed as follows:

Article I

DEFINITIONS

For the purposes of this Convention and its Protocols, the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

1. "Conservation" of the marine environment of the Red Sea and Gulf of Aden: Rational use by man of living and non-living marine and coastal resources in a manner ensuring optimum benefit for the present generation while maintaining the potential of that environment to satisfy the needs and aspirations of future generations. Such a definition of the term "conservation" should be construed as including conservation, protection, maintenance, sustainable and renewable utilization, and enhancement of the environment.

2. "Sea Area": Sea Area as defined in article II of this Convention.

3. "Marine pollution": Introduction by man, directly or indirectly, of substances or energy into the marine environment which results or is likely to result in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities.

4. "Ships and aircraft": Any waterborne or airborne or amphibious craft of any type whatsoever, including hydrofoil boats, air cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms and any other structure.

5. "Oil": Petroleum in any form including crude oil, fuel oil, sludge, refined oil, gases and other oil products, whose introduction might impair the marine environment.

6. "Harmful substance": Any substance whose introduction or presence in the marine environment causes a danger threatening or impairing that environment.

7. "National Authority": The authority designated by each Contracting Party as responsible for the co-ordination of national efforts for implementing this Convention and its protocols.

8. "ALECSO": The Arab League Educational, Cultural and Scientific Organization.

9. "Organization": The Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment established in accordance with article XVI of this Convention.

10. "Council": The Council established in accordance with article XVI of this Convention.

11. "General Secretariat": The organ of the Organization established in accordance with article XVI of this Convention.

12. "Action Plan": The Action Plan for the Conservation of the Marine Environment and Coastal Areas of the Red Sea and Gulf of Aden.

Article II

GEOGRAPHICAL COVERAGE

The present Convention shall apply to the entire sea area, taking into account integrated ecosystems of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and the Gulf of Aden as bounded by the following rhumb lines:

1. From Ras Dharbat Ali (lat. 16°39′ N, long. 53°03.5′ E), thence to a point (lat. 16°00′ N, long. 53°25′ E), thence to a point (lat. 12°40′ N, long 55°00′ E) lying ENE of Socotra Island, thence to Ras Hafun (lat. 10°26′ N, long. 51°25′ E).

2. Any Contracting Party may request the Organization to include areas within that Party's national jurisdiction and lying adjacent to those described in paragraph 1 above within the area of application of this Convention or for the purposes of activities resulting therefrom.

3. The geographical coverage does not include internal waters of the Contracting Parties unless otherwise stated in this Convention or any of its protocols.

Article III

GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly, take all appropriate measures, in accordance with the present Convention and those protocols in force to which they are party, for the conservation of the Red Sea and Gulf of Aden environment including the prevention, abatement and combating of marine pollution.

2. In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency, the Contracting Parties shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of this Convention.

3. The Contracting Parties shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed in paragraph 1 of this article, and shall endeavour to harmonize their national policies in this regard and for this purpose appoint the National Authority.

4. The Contracting Parties shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt regional standards, recommended practices and procedures for the conservation of the Red Sea and Gulf of Aden environment, including the prevention, abatement and combating of pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention.

5. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause transformation of one type or form of pollution to another which could be more detrimental to the environment.

Article IV

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with the present Convention and with generally recognized international rules to prevent, abate and combat pollution in the Sea Area caused by intentional or accidental discharges from ships and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution including load-on-top, segregated ballast and crude oil washing procedures for tankers.

Article V

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution as provided for in relevant international conventions.

Article VI

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching internal waters and the Sea Area whether water-borne, air-borne or directly from the coast including outfalls and pipelines.

Article VII

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE BED OF THE TERRITORIAL SEA, THE CONTINENTAL SHELF AND THE SUB-SOIL THEREOF

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea, the continental shelf and the sub-soil thereof, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

Article VIII

POLLUTION FROM OTHER HUMAN ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from land reclamation (and associated suction dredging and coastal dredging) or resulting from estuarine or river dredging or from other human activities.

Article IX

CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall, individually or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Sea Area shall, without delay, notify the Organization, and through the General Secretariat, any Contracting Party likely to be affected by such emergency.

3. The Contracting Parties shall co-ordinate their national plans for combating pollution in the marine environment by oil and other harmful substances in a manner that facilitates full co-operation in dealing with pollution emergencies.

Article X

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate directly, or through competent international and regional organizations, in the fields of scientific research, monitoring, assessment and combating of pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention, its protocols and the action plan.

2. The Contracting Parties shall co-operate further to develop and co-ordinate national monitoring and research programmes concerning all types of pollution and pollution combating, as well as studies and research on the marine environment. They shall co-operate further to develop and co-ordinate necessary supporting programmes, such as marine-meteorology programmes, and to establish, in co-operation with competent regional or international organizations, a regional network of such programmes to ensure compatible results. For this purpose, each Contracting Party shall designate the National Authority responsible for environmental research and monitoring and for marine meteorological monitoring within the areas under its national jurisdiction.

3. The Organization and ALECSO shall co-operate in matters of common interest for the purpose of mutual co-ordination and exchange of technical assistance, information and documents.

Article XI

ASSESSMENT AND MANAGEMENT OF THE ENVIRONMENT

1. Each Contracting Party shall give due consideration to marine environmental effects when planning or executing projects, including an assessment of potential environmental effects, particularly in the coastal areas.

2. The Contracting Parties may, in consultation with the General Secretariat, develop procedures for dissemination of information on the assessment of the activities referred to in paragraph 1 of this article.

3. The Contracting Parties undertake to develop, individually or jointly, environmental standards, technical and other guidelines in accordance with standard scientific practice to assist the planning and execution of their projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

Article XII

TECHNICAL AND OTHER ASSISTANCE

The Contracting Parties shall co-operate, directly or through competent regional or international organizations, in the development of programmes of technical and other assistance, in fields relating to the marine environment and its conservation in co-ordination with the Organization.

Article XIII

LIABILITY AND COMPENSATION

The Contracting Parties undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

1. Civil liability and compensation for damage resulting from pollution of the marine environment, bearing in mind applicable international rules and procedures relating to those matters; and

2. Liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

Article XIV

SOVEREIGN IMMUNITY

1. Warships and other ships owned or operated by a State, and used only on government non-commercial service, shall be exempted from the application of the provisions of the present Convention.

2. Subject to paragraph 1 above, each Contracting Party shall, as far as possible, ensure that its warships or other ships owned or operated by that Party, and used only on government non-commercial service, shall comply with the provisions of the present Convention.

Article XV

DISCLAIMER

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting Party with regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

Article XVI

REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE RED SEA AND GULF OF ADEN ENVIRONMENT

1. A Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment, the permanent headquarters of which shall be located in Jeddah, Saudi Arabia, is hereby established.

2. The Organization shall consist of the following organs:

(*a*) A Council comprised of a representative of each Contracting Party;

(*b*) A General Secretariat;

(*c*) A Committee for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be decided by the Council.

3. The Organization shall enjoy, in the territory of each Contracting Party, all legal qualifications necessary for the discharge of its duties and the performance of all activities concerned with the achievement of its aims.

Article XVII

THE COUNCIL

1. (*a*) Membership of the Council shall be made up of the Contracting Parties, each Contracting Party having one vote in the meetings of the Council.

(*b*) Meetings of the Council shall be attended by the Director General of ALECSO or his delegate.

2. The Council shall hold one ordinary meeting every year, and may hold extraordinary meetings in accordance with its rules of procedure. Meetings shall be convened at the headquarters of the Organization or at any place as prescribed by its internal regulations or by the Council. The Chairmanship of the Council shall be given to each Contracting Party, in turn, in the Arabic alphabetical order starting with the Depositary State. The term of office of the Chairman shall be one year.

3. Two thirds of the Council membership shall constitute a quorum for its meetings.

4. The voting procedure in the Council shall be as follows:

(*a*) Decisions on important matters shall be taken by a unanimous vote of the Contracting Parties present and voting;

(*b*) Decisions on procedural matters shall be taken by a two-thirds majority vote of the Contracting Parties present and voting.

Article XVIII

DUTIES AND FUNCTIONS OF THE COUNCIL

The Council shall have the duties and functions necessary to achieve the objectives of this Convention and its protocols, and in particular:

(*a*) To adopt its internal regulations;

(*b*) To keep under review the implementation of the Convention and its protocols, and the action plan adopted for the achievement of the purposes of this Convention and its protocols;

(*c*) To make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols;

(*d*) To adopt, review and amend, as required, the annexes to this Convention and to its protocols;

(*e*) To adopt and conclude agreements with States or with organizations with similar purposes or interests within the aims of this Convention and for the achievement of its purposes and which the Council deems necessary for the discharge of its duties;

(*f*) To review and evaluate the state of the marine environment and coastal areas on the basis of reports provided by the Contracting Parties, or by the international organizations concerned;

(*g*) To establish subsidiary bodies and ad hoc working groups, as required, to consider any matters related to this Convention and its protocols or related to the annexes of this Convention and its protocols or related to the action plan;

(*h*) To consider reports submitted by the Contracting Parties and reports prepared by the General Secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization and to decide upon them;

(*i*) To endeavour to settle any differences or disputes between the Contracting Parties as to the interpretation or implementation of this Convention or its protocols or annexes;

(*j*) To appoint the Secretary General;

(*k*) To adopt and issue its rules of procedure, administrative and financial regulations guided by the constitution and regulations of ALECSO. The Council may adopt or amend any other regulations necessary for the discharge of its duties;

(*l*) To adopt the financial rules which determine, in particular, the contributions of the Contracting Parties;

(*m*) To adopt the financial budget of the Organization;

(*n*) To adopt the projects and budgets for the Organization activities;

(*o*) To approve a report on the work and activities of the Organization to be submitted for information to the ALECSO General Conference;

(*p*) To define and develop relations between the Organization and Arab organizations or bodies;

(*q*) To perform any additional functions necessary for the achievement of the purposes of this Convention and its protocols or which the Council deems necessary for the discharge of its duties.

Article XIX

THE GENERAL SECRETARIAT

1. The Secretary General shall head the General Secretariat and perform the functions necessary for the management of the Convention and its protocols, annexes, the action plan and the work of the General Secretariat;

2. The General Secretariat shall have the duties and powers necessary to achieve the purposes of this Convention and its protocols and to execute the action plan, according to decisions of the Council, and in particular:

(*a*) To prepare for and convene the meetings of the Council and its subsidiary bodies and *ad hoc* working groups;

(*b*) To transmit to the Contracting Parties notifications, reports and other information received;

(*c*) To consider inquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its protocols, annexes and the action plan;

(*d*) To prepare and submit reports on matters relating to this Convention, its protocols, annexes and the action plan or relating to the administration of the Organization;

(*e*) To establish, maintain and disseminate an up-to-date collection of national laws concerning the conservation of the marine environment of all Contracting Parties;

(*f*) To provide technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of this Convention and is protocols;

(*g*) To organize and co-ordinate training programmes in areas related to the implementation of this Convention, its protocols and the action plan;

(*h*) To perform such other functions as may be assigned to it by the Council for the implementation of this Convention, its protocols and the action plan.

Article XX

BUDGET AND FINANCIAL RESOURCES OF THE ORGANIZATION

1. The Organization shall have its own budget.

2. The financial resources of the Organization shall consist of:

(*a*) Contributions by the Contracting Parties;

(*b*) ALECSO contribution;

(*c*) Other contributions accepted by the Council.

3. Reports on the budget of the Organization shall be transmitted to the ALECSO General Conference for information.

Article XXI

ADOPTION AND AMENDMENTS OF THE CONVENTION AND ITS PROTOCOLS

The Council, or any Contracting Party may propose amendments to this Convention, its protocols or annexes. Amendments of importance shall be adopted by a unanimous vote of the Contracting Parties. Other amendments shall be adopted by a two-thirds majority. Any matter is considered important if so requested by one Contracting Party. Amendments shall enter into force when adopted by the Contracting Parties in accordance with articles XXVI and XXVII of this Convention.

Article XXII

REPORTS

Each Contracting Party shall submit to the General Secretariat reports on measures taken for the implementation of this Convention and its protocols, in such form and at such intervals as may be determined by the Council.

Article XXIII

COMPLIANCE CONTROL

The Contracting Parties shall co-operate in the development and implementation of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practicable measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

Article XXIV

SETTLEMENT OF DISPUTES

1. In case of a dispute as to the interpretation or application of this Convention, its protocols or its annexes, the Contracting Parties concerned shall seek a settlement of the dispute through amicable means.

2. If the Contracting Parties concerned cannot settle the dispute, the matter shall be referred to the Council for its consideration.

3. If the Council does not reach a settlement of the dispute, it shall be submitted to the Committee for the Settlement of Disputes referred to in paragraph 2 (c) of article XVI of this Convention.

Article XXV

SIGNATURE

The present Convention together with the attached Protocol shall be open for signature in Jeddah by Governments of the States of the Red Sea and Gulf of Aden invited to the Jeddah Regional Conference of Plenipotentiaries on the Conservation of the Marine Environment and Coastal Areas in the Red Sea and Gulf of Aden convened from 19 to 21 Rabie Althani A.H. 1402, corresponding to 13 to 15 February 1982.

Article XXVI

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The present Convention together with the attached Protocol shall be subject to ratification, acceptance, approval or accession by the States referred to in article XXV of this Convention. Any Contracting Party which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the attached Protocol.

2. Any State member of the Arab League has the right to accede to the present Convention and its protocols.

Article XXVII

ENTRY INTO FORCE

1. The present Convention and the attached Protocol shall enter into force on the ninetieth day following the date of deposit of at least four instruments of ratification, acceptance or approval of, or accession to, the Convention.

2. Any other protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least four instruments of ratification, acceptance or approval of, or accession to such protocol.

3. This Convention or any such protocol shall enter into force with respect to any Contracting Party on the thirtieth day following the date of deposit by that Contracting Party of its instrument of ratification, acceptance, approval or accession.

Article XXVIII

WITHDRAWAL

1. At any time after five years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal to the Depositary.

2. Except as may be otherwise provided in any other protocol to this Convention, any Contracting Party may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary.

3. Withdrawal shall take effect twelve months after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it was a party.

5. Any Contracting Party which withdraws from the Protocol Concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be considered as also having withdrawn from this Convention.

Article XXIX

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall receive instruments of ratification of this Convention and its protocols.

2. The Depositary shall call the first meeting of the Council when this Convention enters into force after ratification by four Contracting Parties.

3. After the first meeting of the Council the General Secretariat shall assume all technical and administrative responsibilities and duties. The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to this Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of the Kingdom of Saudi Arabia, which shall send certified copies thereof to the Contracting Parties and shall also deposit certified copies of this Convention, its protocols and annexes with the General Secretariat of the League of Arab States in accordance with article 17 of the Arab League Charter and with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

For the Government of:

the Democratic Republic of the Sudan	[	]
the Hashemite Kingdom of Jordan	[	]
the Kingdom of Saudi Arabia	[	]
Palestine represented by the Palestine Liberation Organization	[	]
the People's Democratic Republic of Yemen	[	]
the Somali Democratic Republic	[	]
the Yemen Arab Republic	[	]

DONE at the City of Jeddah on Sunday the twentieth of the month Rabie Althani of the year A.H. 1402, corresponding to 14 Shabat (February) of the year A.D. 1982.

Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, Jeddah, 1982

Done at Jeddah 14 February 1982

Entered into force 20 August 1985

Primary source citation: Copy of text provided by the United Nations Environment Program

PROTOCOL CONCERNING REGIONAL CO-OPERATION IN COMBATING POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

The Contracting Parties,

Being Parties to the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (hereinafter referred to as "the Convention"),

Conscious of the ever-present potentiality of emergencies which may result in substantial pollution by oil and other harmful substances, and of the need to provide co-operative and effective measures to deal with them,

Being aware that appropriate measures for responding to pollution emergencies need to be enhanced on a national and regional basis to deal with this problem in a comprehensive manner for the benefit of the Red Sea and Gulf of Aden environment,

Have agreed as follows:

Article I

For the purposes of this Protocol the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

1. "Appropriate Authority": either the "National Authority" defined in article I of the Convention, or the authority or authorities within the Government of a Contracting Party, designated by the National Authority and responsible for:

(*a*) Combating or otherwise operationally responding to marine emergencies;

(*b*) Receiving and co-ordinating information on marine emergencies;

(*c*) Co-ordinating available national capabilities for dealing with marine emergencies in general within its own Government and with other Contracting Parties.

2. "Marine Emergency": any casualty, incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine environment by oil or other harmful substances and includes collisions, strandings and other incidents involving ships, including tankers, blow-outs arising from petroleum drilling and production activities, and the presence of oil or other harmful substances arising from the failure of industrial installations.

3. "Marine Emergency Contingency Plan": a plan or plans, prepared on a national, bilateral or multilateral basis, designed to co-ordinate the deployment, allocation and use of personnel, material, resources and equipment for the purpose of responding to marine emergencies.

4. "Marine Emergency Response": any activity intended to prevent, mitigate or eliminate pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies.

5. "Related Interests": the interests of a Contracting Party directly or indirectly affected or threatened by a marine emergency such as:

(*a*) Maritime, coastal, port or estuary activities, including fisheries activities;

(*b*) Historic and tourist attractions;

(*c*) The health of the coastal population and the conservation of living marine resources and of wildlife;

(*d*) Industrial activities which rely upon intake of water, including distillation plants, and industrial plants using circulating water.

6. "Convention": the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment.

7. "Council": the organ of the Regional Organization for Conservation of the Red Sea and Gulf of Aden Environment established under article XVI of the Convention.

8. "Centre": the Marine Emergency Mutual Aid Centre established under article III, paragraph 1, of the present Protocol.

Article II

1. The Contracting Parties shall co-operate in taking the necessary and effective measures to protect the coastline and related interests of one or more of the Parties from the threat and effects of pollution due to the presence of oil or other harmful substances in the marine environment resulting from marine emergencies.

2. The Contracting Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution in the Red Sea and Gulf of Aden by oil and other harmful substances. These means shall include, in particular, available equipment, ships, aircraft and manpower prepared for operation in cases of emergency.

Article III

1. The Contracting Parties hereby establish the Marine Emergency Mutual Aid Centre.

2. The objectives of the Centre shall be:

(*a*) To strengthen the capacities of the Contracting Parties and to facilitate co-operation among them in order to combat pollution by oil and other harmful substances in cases of marine emergencies;

(*b*) To assist Contracting Parties, which so request, in the development of their own national capabilities to combat pollution by oil and other harmful substances and to co-ordinate and facilitate information exchange, technological co-operation and training;

(*c*) A later objective, namely, the possibility of initiating operations to combat pollution by oil and other harmful substances at the regional level, may be considered. This possibility should be submitted for approval by the Council after evaluating the results achieved in the fulfilment of the previous objectives and in the light of financial resources which could be made available for this purpose.

3. The functions of the Centre shall be:

(*a*) To collect and disseminate to the Contracting Parties information concerning matters covered by this Protocol, including:

(i) Laws, regulations and information concerning appropriate authorities of the Contracting Parties and marine emergency contingency plans referred to in article V of this Protocol;

(ii) Information available to the Contracting Parties concerning methods, techniques and research relating to marine emergency responses referred to in article VI of this Protocol; and

(iii) List of experts, equipment and materials available for marine emergency responses by the Contracting Parties;

(*b*) To assist the Contracting Parties, as requested:

(i) In the preparation of laws and regulations concerning matters covered by this Protocol and in the establishment of appropriate authorities;

(ii) In the preparation of marine emergency contingency plans;

(iii) In the establishment of procedures under which personnel, equipment and materials involved in marine emergency responses may be expeditiously transported into, out of, and through the territories of the Contracting Parties;

(iv) In the transmission to the Contracting Parties of reports concerning marine emergencies; and

(v) In promoting and developing training programmes for combating pollution;

(*c*) To co-ordinate training programmes for combating pollution and prepare comprehensive anti-pollution manuals;

(*d*) To develop and maintain a communication/information system appropriate to the needs of the Contracting Parties and the Centre for the prompt exchange of information concerning marine emergencies required by this Protocol;

(*e*) To prepare inventories of the available personnel, materials, vessels, aircraft, and other specialized equipment for marine emergency responses;

(*f*) To establish and maintain liaison with competent regional and international organizations, particularly the Inter-Governmental Maritime Consultative Organization, for the purposes of obtaining and exchanging scientific and technological information and data, particularly with regard to any new technology which may assist the Centre in the performance of its functions;

(*g*) To prepare periodic reports on marine emergencies for submission to the Council; and

(*h*) To perform any other functions assigned to it either by this Protocol or by the Council.

4. The Centre may fulfil additional functions necessary for initiating operations to combat pollution by oil and other harmful substances on a regional level, when authorized by the Council, in accordance with paragraph 2 (*c*) above.

Article IV

1. The present Protocol shall apply to the Sea Area specified in paragraph 1 of article II of the Convention.

2. For the purposes of dealing with a marine emergency, internal waters, including ports, harbours, estuaries, bays and lagoons, may be treated as part of the Sea Area if the Contracting Party concerned so decides.

Article V

Each Contracting Party shall provide the Centre and the other Contracting Parties with information concerning:

(*a*) Its appropriate authority;

(*b*) Its laws, regulations, and other legal instruments relating generally to matters addressed in this Protocol, including those concerning the structure and operation of the authority referred to in paragraph (*a*) above;

(*c*) Its national marine emergency contingency plans.

Article VI

Each Contracting Party shall provide the other Contracting Parties and the Centre with information concerning:

(*a*) Existing and new methods, techniques, materials, and procedures relating to marine emergency responses;

(*b*) Existing and planned research, their results and development in the areas referred to in paragraph (*a*) above.

Article VII

1. Each Contracting Party shall direct its appropriate officials to require masters of ships, pilots of aircraft and persons in charge of offshore platforms and other similar structures operating in the marine environment and under its jurisdiction to report the existence of any marine emergency in the Sea Area to the appropriate national authority and to the Centre.

2. Any Contracting Party receiving a report pursuant to paragraph 1 above shall promptly inform the following of the marine emergency:

(*a*) The Centre;

(*b*) All other Contracting Parties;

(*c*) The flag State of any foreign ship involved in the marine emergency concerned.

3. The content of the reports, including supplementary reports where appropriate, referred to in paragraph 1 above should conform to the form to be adopted by the Centre.

4. Any Contracting Party which submits a report pursuant to paragraphs 2 (*a*), and 2 (*b*) above, shall be exempted from the obligations specified in paragraph 2 of article IX of the Convention.

Article VIII

The Centre shall promptly transmit information and reports which it receives from a Contracting Party pursuant to articles V, VI and paragraph 2 of article VII of this Protocol to all other Contracting Parties.

Article IX

Any Contracting Party which transmits information pursuant to this Protocol may specifically restrict its dissemination. In such a case, any Contracting Party to which this information has been transmitted, or the Centre, shall not divulge it to any other person, Government, or to any public or private organization without the specific authorization of the former Contracting Party.

Article X

Any Contracting Party faced with a marine emergency situation shall:

(*a*) Take every appropriate measure to combat pollution and/or to rectify the situation;

(*b*) Immediately inform all other Contracting Parties, either directly or through the Centre, of any action which it has taken or intends to take to combat the pollution. The Centre shall promptly transmit any such information to all other Contracting Parties;

(*c*) Make an assessment of the nature and extent of the marine emergency, either directly or with the assistance of the Centre;

(*d*) Determine the necessary and appropriate action to be taken with respect to the marine emergency, in consultation with other Contracting Parties, affected States and the Centre.

Article XI

1. Any Contracting Party requiring assistance in a marine emergency response may call for assistance directly from any other Contracting Party or through the Centre. Where the services of the Centre are utilized, the Centre shall promptly transmit requests received to all other Contracting Parties. The Contracting Parties to whom a request is made pursuant to this paragraph shall use their best endeavours within their capabilities to render the assistance requested.

2. The assistance referred to in paragraph 1 above may include:

(*a*) Personnel, material, and equipment, including facilities or methods for the disposal of recovered pollutants;

(*b*) Surveillance and monitoring capacity;

(*c*) Facilitation of the transfer of personnel, material, and equipment into, out of and through the territories of the Contracting Parties.

3. The services of the Centre may be utilized by the Contracting Parties to co-ordinate any marine emergency response in which assistance is called for pursuant to paragraph 1 above.

4. Any Contracting Party calling for assistance pursuant to paragraph 1 above shall report the activities undertaken with this assistance and its results to the Centre. The Centre shall promptly transmit any such report to all other Contracting Parties.

5. In cases of special marine emergencies, the Centre may call for the mobilization of resources made available by the Contracting Parties to combat pollution by oil and other harmful substances.

Article XII

1. Having due regard to the functions assigned to the Centre under this Protocol, each Contracting Party shall establish and maintain an appropriate authority to carry out fully its obligations under this Protocol. With the assistance of the Centre, the appropriate authority of each Contracting Party shall co-operate and co-ordinate its activities with counterparts in the other Contracting Parties.

2. Among other matters with respect to which co-operation and coordination efforts shall be directed under paragraph 1 above are the following:

(*a*) Distribution and allocation of stocks of materials and equipment;

(*b*) Training of personnel for marine emergency responses;

(*c*) Marine pollution surveillance and monitoring activities;

(*d*) Methods of communication in respect of marine emergencies;

(*e*) Facilitation of the transfer of personnel, equipment and materials involved in marine emergency responses into, out of, and through the territories of the Contracting Parties;

(*f*) Other matters to which this Protocol applies.

Article XIII

The Council shall:

(*a*) Review periodically the activities of the Centre performed under this Protocol;

(*b*) Decide on the degree to which, and stages by which, the functions of the Centre set out in article III will be implemented;

(*c*) Determine the financial, administrative and other support to be provided by the Contracting Parties to the Centre for the performance of its functions.

This Protocol, considered an integral part of the Convention, shall be deposited with the Government of Saudi Arabia who shall act as Depositary pursuant to article XXIX of the Convention and who shall transmit certified copies of it to the Contracting Parties. Certified copies of this Protocol shall be deposited, together with the Convention, with the General Secretariat of the League of Arab States in accordance with article 17 of the Charter of the Arab League and registered with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments have signed this Protocol.

For the Government of:

the Democratic Republic of the Sudan ..... [ ]
the Hashemite Kingdom of Jordan ..... [ ]
the Kingdom of Saudi Arabia ..... [ ]
Palestine represented by the Palestine Liberation Organization ..... [ ]
the People's Democratic Republic of Yemen ..... [ ]
the Somali Democratic Republic ..... [ ]
the Yemen Arab Republic ..... [ ]

DONE at the City of Jeddah on Sunday the twentieth of the month Rabie Althani of the year A.H. 1402, corresponding to 14 Shabat (February) of the year A.D. 1982.

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena de Indias, 1983

Done at Cartagena de Indias 24 March 1983

Entered into force 11 October 1986

Depositary: Colombia

Primary source citation: TIAS 11085

CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

The Contracting Parties,

Fully aware of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean region,

Conscious of their responsibility to protect the marine environment of the wider Caribbean region for the benefit and enjoyment of present and future generations,

Recognizing the special hydrographic and ecological characteristics of the region and its vulnerability to pollution,

Recognizing further the threat to the marine environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of sufficient integration of an environmental dimension to the development process,

Considering the protection of the ecosystems of the marine environment of the wider Caribbean region to be one of their principal objectives,

Realizing fully the need for co-operation amongst themselves and with competent international organizations in order to ensure co-ordinated and comprehensive development without environmental damage,

Recognizing the desirability of securing the wider acceptance of international marine pollution agreements already in existence,

Noting however, that, in spite of the progress already achieved, these agreements do not cover all aspects of environmental deterioration and do not entirely meet the special requirements of the wider Caribbean region,

Have agreed as follows:

ARTICLE 1

Convention Area

1. This Convention shall apply to the wider Caribbean region, hereinafter referred to as "the Convention area" as defined in paragraph 1 of article 2.

2. Except as may be otherwise provided in any protocol to this Convention, the Convention area shall not include internal waters of the Contracting Parties.

ARTICLE 2

Definitions

For the purposes of this Convention:

1. The "Convention area" means the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30° north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention.

2. "Organization" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

ARTICLE 3

General Provisions

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all signatories and Contracting Parties to this Convention.

2. This Convention and its protocols shall be construed in accordance with international law relating to their subject-matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under agreements previously concluded.

3. Nothing in this Convention or its protocols shall prejudice the present or future claims or the legal views of any Contracting Party concerning the nature and extent of maritime jurisdiction.

ARTICLE 4

General Obligations

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are parties to prevent, reduce and control pollution of the Convention area and to ensure sound environmental management, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.

2. The Contracting Parties shall, in taking the measures referred to in paragraph 1, ensure that the implementation of those measures does not cause pollution of the marine environment outside the Convention area.

3. The Contracting Parties shall co-operate in the formulation and adoption of protocols or other agreements to facilitate the effective implementation of this Convention.

4. The Contracting Parties shall take appropriate measures, in conformity with international law, for the effective discharge of the obligations prescribed in this Convention and its protocols and shall endeavour to harmonize their policies in this regard.

5. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations for the effective implementation of this Convention and its protocols. They shall assist each other in fulfilling their obligations under this Convention and its protocols.

ARTICLE 5

Pollution From Ships

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by discharges from ships and, for this purpose, to ensure the effective implementation of the applicable international rules and standards established by the competent international organization.

ARTICLE 6

Pollution Caused by Dumping

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by dumping of wastes and other matter at sea from ships, aircraft or man-made structures at sea, and to ensure the effective implementation of the applicable international rules and standards.

ARTICLE 7

Pollution From Land-based Sources

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources on their territories.

ARTICLE 8

Pollution From Sea-bed Activities

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting directly or indirectly from exploration of the sea-bed and its subsoil.

ARTICLE 9

Airborne Pollution

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting from discharges into the atmosphere from activities under their jurisdiction.

ARTICLE 10

Specially Protected Areas

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the Convention area. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of other Contracting Parties and third States. In addition, the Contracting Parties shall exchange information concerning the administration and management of such areas.

ARTICLE 11

Co-operation in Cases of Emergency

1. The Contracting Parties shall co-operate in taking all necessary measures to respond to pollution emergencies in the Convention area, whatever the cause of such emergencies, and to control, reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.

2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

ARTICLE 12

Environmental Impact Assessment

1. As part of their environmental management policies the Contracting Parties undertake to develop technical and other guidelines to assist the planning of their major development projects in such a way as to prevent or minimize harmful impacts on the Convention area.

2. Each Contracting Party shall assess within its capabilities, or ensure the assessment of, the potential effects of such projects on the marine environment, particularly in coastal areas, so that the appropriate measures may be taken to prevent any substantial pollution of, or significant and harmful changes to, the Convention area.

3. With respect to the assessments referred to in paragraph 2, each Contracting Party shall, with the assistance of the Organization when requested, develop procedures for the dissemination of information and may, where appropriate, invite other Contracting Parties which may be affected to consult with it and to submit comments.

ARTICLE 13

Scientific and Technical Cooperation

1. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in scientific research, monitoring and the exchange of data and other scientific information relating to the purposes of this Convention.

2. To this end, the Contracting Parties undertake to develop and co-ordinate their research and monitoring programmes relating to the Convention area and to ensure, in co-operation with the competent international and regional organizations, the necessary links between their research centres and institutes with a view to producing compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring.

3. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention area, taking into account the special needs of the smaller island developing countries and territories.

ARTICLE 14

Liability and Compensation

The Contracting Parties shall co-operate with a view to adopting appropriate rules and procedures, which are in conformity with international law, in the field of liability and compensation for damage resulting from pollution of the Convention area.

ARTICLE 15

Institutional Arrangements

1. The Contracting Parties designate the United Nations Environment Programme to carry out the following secretariat functions:

(a) to prepare and convene the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;

(b) to transmit the information received in accordance with articles 3, 11 and 22;

(c) to perform the functions assigned to it by protocols to this Convention;

(d) to consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention, its protocols and annexes thereto;

(e) to co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;

(f) to ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent.

2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication with the Organization for the purposes of this Convention and its protocols.

ARTICLE 16

Meetings of the Contracting Parties

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by the majority of the Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its protocols and, in particular:

(a) to assess periodically the state of the environment in the Convention area;

(b) to consider the information submitted by the Contracting Parties under article 22;

(c) to adopt, review and amend annexes to this Convention and to its protocols, in accordance with article 19;

(d) to make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or its protocols in accordance with articles 17 and 18;

(e) to establish working groups as required to consider any matters concerning this Convention and its protocols, and annexes thereto;

(f) to consider co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications and to adopt decisions relating thereto;

(g) to consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

ARTICLE 17

Adoption of Protocols

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 3 of article 4.

2. If so requested by a majority of the Contracting Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

ARTICLE 18

Amendment of the Convention and its Protocols

1. Any Contracting Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties to the protocol concerned.

3. The text of any proposed amendment shall be communicated by the Organization to all Contracting Parties at least 90 days before the opening of the conference of plenipotentiaries.

4. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to the protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the protocol.

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three-fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after the date on which that Party deposits its instrument.

6. After entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to the Convention or such protocol shall become a Contracting Party to the Convention or protocol as amended.

ARTICLE 19

Annexes and Amendments to Annexes

1. Annexes to this Convention or to a protocol shall form an integral part of the Convention or, as the case may be, such protocol.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the adoption and entry into force of amendments to annexes to this Convention or to annexes to a protocol:

(a) any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;

(b) such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question present at the meeting referred to in article 16;

(c) the Depositary shall without delay communicate the amendments so adopted to all Contracting Parties to the Convention;

(d) any Contracting Party that is unable to accept an amendment to annexes to this Convention or to annexes to any protocol shall so notify the Depositary in writing within 90 days from the date on which the amendment was adopted;

(e) the Depositary shall without delay notify all Contracting Parties of notifications received pursuant to the preceding subparagraph;

(f) on expiry of the period referred to in subparagraph (d), the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph;

(g) a Contracting Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex, provided that, if it entails an amendment to the Convention or to one of its protocols, the new annex shall not enter into force until such time as that amendment enters into force.

4. Any amendment to the Annex on Arbitration shall be proposed and adopted, and shall enter into force, in accordance with the provision set out in article 18.

ARTICLE 20

Rules of Procedure and Financial Rules

1. The Contracting Parties shall unanimously adopt rules of procedure for their meetings.

2. The Contracting Parties shall unanimously adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation under this Convention and under protocols to which they are parties.

ARTICLE 21

Special Exercise of the Right to Vote

In their fields of competence, the regional economic integration organizations referred to in article 25 shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols. Such organizations shall not exercise their right to vote if the member States concerned exercise theirs, and vice versa.

ARTICLE 22

Transmission of Information

The Contracting Parties shall transmit to the Organization information on the measures adopted by them in the implementation of this Convention and of protocols to which they are parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

ARTICLE 23

Settlement of Disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Contracting Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement, except as may be otherwise provided in any protocol to this Convention, be submitted to arbitration under the conditions set out in the Annex on Arbitration. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Contracting Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. A Contracting Party may at any time declare that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other Contracting Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Contracting Parties.

ARTICLE 24

Relationship between the Convention and its Protocols

1. No State or regional economic integration organization may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol to the Convention. No State or regional economic integration organization may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the Contracting Parties to the protocol concerned.

ARTICLE 25

Signature

This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de Indias on 24 March 1983 and at Bogotá from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. They shall also be open for signature between the same dates by any regional economic integration organization exercising competence in fields covered by the Convention and that Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference of Plenipotentiaries.

ARTICLE 26

Ratification, Acceptance, and Approval

1. This Convention and its protocols shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Colombia, which will assume the functions of Depositary.

2. This Convention and its protocols shall also be subject to ratification, acceptance or approval by the organizations referred to in article 25 having at least one member State a party to the Convention. In their instruments of ratification, acceptance or approval, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. Subsequently these organizations shall inform the Depositary of any substantial modification in the extent of their competence.

ARTICLE 27

Accession

1. This Convention and its protocols shall be open for accession by the States and organizations referred to in article 25 as from the day following the date on which the Convention or the protocol concerned is closed for signature.

2. After entry into force of this Convention and of any protocol, any State or regional economic integration organization not referred to in article 25 may accede to the Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the Convention or the protocol concerned, provided that any such regional economic integration organization exercises competence in fields covered by the Convention and the relevant protocol and has at least one member State, belonging to the wider Caribbean region, that is a party to the Convention and the relevant protocol.

3. In their instruments of accession, the organizations referred to in paragraphs 1 and 2 shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

4. Instruments of accession shall be deposited with the Depositary.

ARTICLE 28

Entry into Force

1. This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance or approval of, or accession to, those agreements by the States referred to in article 25.

2. Any additional protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, or approval of such protocol, or of accession thereto.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by an organization referred to in article 25 shall not be counted as additional to that deposited by any member State of such organization.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State or organization referred to in article 25 or article 27 on the thirtieth day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

ARTICLE 29

Denunciation

1. At any time after two years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may denounce the Convention by giving written notification to the Depositary.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after two years from the date of entry into force by such protocol with respect to that Contracting Party, denounce the protocol by giving written notification to the Depositary.

3. Denunciation shall take effect on the ninetieth day after the date on which notification is received by the Depositary.

4. Any Contracting Party which denounces this Convention shall be considered as also having denounced any protocol to which it was a Contracting Party.

5. Any Contracting Party which, upon its denunciation of a protocol, is no longer a Contracting Party to any protocol to this Convention, shall be considered as also having denounced the Convention itself.

ARTICLE 30

Depositary

1. The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization, of:

(a) the signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;

(b) the date on which the Convention or any protocol will come into force for each Contracting Party;

(c) notification of any denunciation and the date on which it will take effect;

(d) the amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force;

(e) all matters relating to new annexes and to the amendment of any annex;

(f) notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.

2. The original of this Convention and of any protocol shall be deposited with the Depositary, the Government of the Republic of Colombia, which shall send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.

3. As soon as the Convention and its protocols enter into force, the Depositary shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX

ARBITRATION

ARTICLE 1

Unless the agreement referred to in article 23 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

ARTICLE 2

The claimant party shall notify the Organization that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 23 of the Convention. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. The Organization shall forward the information thus received to all Contracting Parties to the Convention or to the protocol concerned.

ARTICLE 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

ARTICLE 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

ARTICLE 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the protocol or protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

ARTICLE 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.

3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

ARTICLE 7

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

ARTICLE 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

ARTICLE 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

ARTICLE 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region, Cartagena de Indias, 1983

Done at Cartagena de Indias 24 March 1983

Entered into force 11 October 1986

Primary source citation: TIAS 11085

PROTOCOL CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION

The Contracting Parties to this Protocol,

Being Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias on 24 March 1983,

Conscious that oil exploration, production and refining activities, as well as related marine transport, pose a threat of significant oil spills in the wider Caribbean region,

Aware that the islands of the region are particularly vulnerable, owing to the fragility of their ecosystems and the economic reliance of certain of them on the continuous utilization of their coastal areas, to damage resulting from significant oil pollution,

Recognizing that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken, initially at the national level, to organize and co-ordinate prevention, mitigation and clean-up activities,

Recognizing further the importance of sound preparation, co-operation and mutual assistance in responding effectively to oil spills or the threat thereof,

Determined to avert, through the adoption of measures to prevent and combat pollution resulting from oil spills, damage to the marine environment, including coastal areas, of the wider Caribbean region,

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Protocol:

1. "Wider Caribbean Region" means the Convention area as defined in article 2 of the Convention and adjacent coastal areas.

2. "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

3. "Related interests" means the interests of a Contracting Party directly affected or threatened and concerning, among others:

(a) maritime, coastal, port or estuarine activities;

(b) the historical and tourist appeal of the area in question, including water sports and recreation;

(c) the health of the coastal population; and

(d) fishing activities and the conservation of natural resources.

4. "Oil spill incident" means a discharge, or a significant threat of a discharge, of oil, however caused, of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating the threat.

5. "Organization" means the institution referred to in paragraph 3 of article 2 of the Convention.

6. "Regional Co-ordinating Unit" means the unit referred to in the Action Plan for the Caribbean Environment Programme.

ARTICLE 2

Application

This Protocol applies to oil spill incidents which have resulted in, or which pose a significant threat of, pollution to the marine and coastal environment of the wider Caribbean region or which adversely affect the related interests of one or more of the Contracting Parties.

ARTICLE 3

General Provisions

1. The Contracting Parties shall, within their capabilities, co-operate in taking all necessary measures, both preventive and remedial, for the protection of the marine and coastal environment of the wider Caribbean region, particularly the coastal areas of the islands of the region, from oil spill incidents.

2. The Contracting Parties shall, within their capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of responding to oil spill incidents and shall endeavour to reduce the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the identification and development of the capability to respond to an oil spill incident and the designation of an authority responsible for the implementation of this Protocol.

ARTICLE 4

Exchange of Information

Each Contracting Party shall periodically exchange with the other Contracting Parties up-to-date information relating to its implementation of this Protocol, including the identity of the authorities responsible for such implementation, and information on their laws, regulations, institutions and operational procedures relating to the prevention of oil spill incidents and to the means of reducing and combating the harmful effects of oil spills.

ARTICLE 5

Communication of information concerning, and Reporting of, Oil Spill Incidents

1. Each Contracting Party shall establish appropriate procedures to ensure that information regarding oil spill incidents is reported as rapidly as possible, and shall, *inter alia:*

(a) require its appropriate officials, masters of ships flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it any oil spill incident involving their ships or facilities;

(b) request masters of all ships and pilots of all aircraft operating in the vicinity of its coasts to report to it any oil spill incident of which they are aware.

2. In the event of receiving a report regarding an oil spill incident, a Contracting Party shall immediately notify all other Contracting Parties whose interests are likely to be affected by such incident, as well as the flag State of any ship involved in it. The Contracting Party shall also inform the competent international organizations. Furthermore, as soon as feasible, it shall inform such Contracting Parties and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

ARTICLE 6

Mutual Assistance

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.

2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

ARTICLE 7

Operational Measures

Each Contracting Party shall, within its capabilities, take steps including those outlined below in responding to an oil spill incident:

(a) make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;

(b) promptly communicate information concerning the incident pursuant to article 5;

(c) promptly determine its ability to take effective measures to respond to the incident and the assistance that might be required;

(d) consult as appropriate with other Contracting Parties concerned in the process of determining the necessary response to the incident;

(e) take the measures necessary to prevent, reduce or eliminate the effects of the incident, including monitoring of the situation.

ARTICLE 8

Subregional Arrangements

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.

2. Contracting Parties to this Protocol which enter into such subregional arrangements shall notify the other Contracting Parties, as well as the Organization, of the conclusion and the content of such arrangements.

ARTICLE 9

Institutional Arrangements

The Contracting Parties designate the Organization to carry out, through the Regional Co-ordinating Unit when established and in close co-operation with the International Maritime Organization, the following functions:

(a) assisting Contracting Parties, upon request, in the following areas:

(i) the preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, *inter alia,* to promoting the compatibility of the plans of the Contracting Parties, and

(ii) publicizing training courses and programmes;

(b) assisting the Contracting Parties upon request, on a regional basis, in the following areas:

(i) the co-ordination of regional emergency response activities, and

(ii) the provision of a forum for discussion of such activities and related topics;

(c) establishing and maintaining liaison with:

(i) competent regional and international organizations, and

(ii) appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill clean-up contractors and co-operatives, and oil transporters;

(d) maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;

(e) disseminating information on the prevention and combating of oil spills;

(f) identifying or maintaining means for emergency response communications;

(g) encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;

(h) assisting the Contracting Parties in the exchange of information pursuant to article 4; and

(i) preparing reports and carrying out other duties assigned to it by the Contracting Parties.

ARTICLE 10

Meetings of the Contracting Parties

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 16 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 16 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties:

(a) to review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;

(b) to consider means whereby regional co-operation could be extended to incidents involving hazardous substances other than oil; and

(c) to consider measures to improve co-operation under this Protocol including, in accordance with paragraph 2 (d) of article 16 of the Convention, possible amendments to this Protocol.

ARTICLE 11

Relationship between this Protocol and the Convention

1. The provisions of the Convention relating to its protocols shall apply to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 20 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX TO THE PROTOCOL

On the basis of paragraph 2(b) of Article 10 of this Protocol, the Contracting Parties at their first meeting are committed to preparing, through an annex, the changes necessary to extend this Protocol to regional co-operation to combat spills of hazardous substances other than oil. Pending the preparation and entry into force of such annex, the Protocol shall be provisionally applied upon its entry into force to hazardous substances other than oil.

Protocol Concerning Specially Protected Areas and Wildlife, Kingston, 1990 and 1991

Done at Kingston 18 January 1990;
Annexes done at Kingston 11 June 1991

Not in force

Primary source citation: Senate Treaty Document 103-5, 103d Congress, 1st Session, U.S. Government Printing Office, Washington, 1993

PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

The Contracting Parties to this Protocol,

Being Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias, Colombia on 24 March 1983,

Taking into account Article 10 of the Convention which requires the establishment of specially protected areas,

Having regard to the special hydrographic, biotic and ecological characteristics of the Wider Caribbean Region,

Conscious of the grave threat posed by ill-conceived development options to the integrity of the marine and coastal environment of the Wider Caribbean Region,

Recognizing that protection and maintenance of the environment of the Wider Caribbean Region are essential to sustainable development within the region,

Conscious of the overwhelming ecological, economic, aesthetic, scientific, cultural, nutritional and recreational value of rare or fragile ecosystems and native flora and fauna to the Wider Caribbean Region,

Recognizing that the Wider Caribbean Region constitutes an interconnected group of ecosystems in which an environmental threat in one part represents a potential threat in other parts,

Stressing the importance of establishing regional co-operation to protect and, as appropriate, to restore and improve the state of ecosystems, as well as threatened and endangered species and their habitats in the Wider Caribbean Region by, among other means, the establishment of protected areas in the marine areas and their associated ecosystems,

Recognizing that the establishment and management of such protected areas and the protection of threatened and endangered species will enhance the cultural heritage and values of the countries and territories in the Wider Caribbean Region, and bring increased economic and ecological benefits to them,

Have agreed as follows:

Article 1
Definitions

For the purpose of this Protocol:

(a) "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, Colombia, March 1983);

(b) "Action Plan" means the Action Plan for the Caribbean Environment Programme (Montego Bay, April 1981);

(c) "Wider Caribbean Region" has the meaning given to the term "the Convention area" in Article 2(1) of the Convention, and in addition, includes for the purposes of this Protocol:

(i) waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the fresh water limit; and

(ii) such related terrestrial areas (including watersheds) as may be designated by the Party having sovereignty and jurisdiction over such areas;

(d) "Organization" means the body referred to in Article 2(2) of the Convention;

(e) "Protected area" means the areas accorded protection pursuant to Article 4 of this Protocol;

(f) "Endangered species" are species or subspecies of fauna and flora, or their populations, that are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate;

(g) "Threatened species" are species or subspecies of fauna and flora, or their populations:

(i) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or

(ii) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction.

(h) "Protected species" are species or subspecies of fauna and flora, or their populations, accorded protection pursuant to Article 10 of this Protocol;

(i) "Endemic species" are species or subspecies of fauna and flora, or their populations, whose distribution is restricted to a limited geographical area;

(j) "Annex I" means the annex to the Protocol containing the agreed list of species of marine and coastal flora that fall within the categories defined in Article 1 and that require the protection measures indicated in Article 11 (1)(a). The Annex may include terrestrial species as provided for in Article 1 (c) (ii);

(k) "Annex II" means the annex to the Protocol containing the agreed list of species of marine and coastal fauna that fall within the category defined in Article 1 and that require the protection measures indicated in Article 11 (1)(b). The Annex may include terrestrial species as provided for in Article 1 (c) (ii); and

(l) "Annex III" means the annex to the Protocol containing the agreed list of species of marine and coastal flora and fauna that may be utilized on a rational and sustainable basis and that require the protection measures indicated in Article 11 (1)(c). The Annex may include terrestrial species as provided for in Article 1 (c) (ii).

Article 2
General Provisions

1. This Protocol shall apply to the Wider Caribbean Region as defined in Article 1(c).

2. The provisions of the Convention relating to its Protocols shall apply to this Protocol, including in particular, paragraphs 2 and 3 of Article 3 of the Convention.

3. The present Protocol shall not apply to warships or other ships owned or operated by a State while engaged in government non-commercial service. Nevertheless, each Party shall ensure through the adoption of appropriate measures that do not hinder the operation or operational capacities of vessels they own or operate, that they adhere to the terms of the present Protocol in so far as is reasonable and feasible.

Article 3
General Obligations

1. Each Party to this Protocol shall, in accordance with its laws and regulations and the terms of the Protocol, take the necessary measures to protect, preserve and manage in a sustainable way, within areas of the Wider Caribbean Region in which it exercises sovereignty, or sovereign rights or jurisdiction:

(a) areas that require protection to safeguard their special value; and

(b) threatened or endangered species of flora and fauna.

2. Each Party shall regulate and, where necessary, prohibit activities having adverse effects on these areas and species. Each Party shall endeavour to co-operate in the enforcement of these measures, without prejudice to the sovereignty, or sovereign rights or jurisdiction of other Parties. Any measures taken by such Party to enforce or to attempt to enforce the measures agreed pursuant to this Protocol shall be limited to those within the competence of such Party and shall be in accordance with international law.

3. Each Party, to the extent possible, consistent with each Party's legal system, shall manage species of fauna and flora with the objective of preventing species from becoming endangered or threatened.

Article 4
Establishment of Protected Areas

1. Each Party shall, when necessary, establish protected areas in areas over which it exercises sovereignty, or sovereign rights or jurisdiction, with a view to sustaining the natural resources of the Wider Caribbean Region, and encouraging ecologically sound and appropriate use, understanding and enjoyment of these areas, in accordance with the objectives and characteristics of each of them.

2. Such areas shall be established in order to conserve, maintain and restore, in particular:

(a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain biological and genetic diversity;

(b) habitats and their associated ecosystems critical to the survival and recovery of endangered, threatened or endemic species of flora or fauna;

(c) the productivity of ecosystems and natural resources that provide economic or social benefits and upon which the welfare of local inhabitants is dependent; and

(d) areas of special biological, ecological, educational, scientific, historic, cultural, recreational, archaeological, aesthetic, or economic value, including in particular, areas whose ecological and biological processes are essential to the functioning of the Wider Caribbean ecosystems.

Article 5
Protection Measures

1. Each Party, taking into account the characteristics of each protected area over which it exercises sovereignty, or sovereign rights or jurisdiction, shall, in conformity with its national laws and regulations and with international law, progressively take such measures as are necessary and practicable to achieve the objectives for which the protected area was established.

2. Such measures should include, as appropriate:

(a) the regulation or prohibition of the dumping or discharge of wastes and other substances that may endanger protected areas;

(b) the regulation or prohibition of coastal disposal or discharges causing pollution, emanating from coastal establishments and developments, outfall structures or any other sources within their territories;

(c) the regulation of the passage of ships, of any stopping or anchoring, and of other ship activities, that would have significant adverse environmental effects on the protected area, without prejudice to the rights of innocent passage, transit passage, archipelagic sea lanes passage and freedom of navigation, in accordance with international law;

(d) the regulation or prohibition of fishing, hunting, taking or harvesting of endangered or threatened species of fauna and flora and their parts or products;

(e) the prohibition of activities that result in the destruction of endangered or threatened species of fauna or flora and their parts and products, and the regulation of any other activity likely to harm or disturb such species, their habitats or associated ecosystems;

(f) the regulation or prohibition of the introduction of non-indigenous species;

(g) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;

(h) the regulation or prohibition of any activity involving a modification of the profile of the soil that could affect watersheds, denudation and other forms of degradation of watersheds, or the exploration or exploitation of the subsoil of the land part of a marine protected area;

(i) the regulation of any archaeological activity and of the removal or damage of any object which may be considered as an archaeological object;

(j) the regulation or prohibition of trade in, and import and export of threatened or endangered species of fauna or their parts, products, or eggs, and of threatened or endangered species of flora or their parts or products, and archaeological objects that originate in protected areas;

(k) the regulation or prohibition of industrial activities and of other activities which are not compatible with the uses that have been envisaged for the area by national measures and/or environmental impact assessments pursuant to Article 13;

(l) the regulation of tourist and recreational activities that might endanger the ecosystems of protected areas or the survival of threatened or endangered species of flora and fauna; and

(m) any other measure aimed at conserving, protecting or restoring natural processes, ecosystems or populations for which the protected areas were established.

Article 6

Planning and Management Regime for Protected Areas

1. In order to maximize the benefits from protected areas and to ensure the effective implementation of the measures set out in Article 5, each Party shall adopt and implement planning, management and enforcement measures for protected areas over which it exercises sovereignty, or sovereign rights or jurisdiction. In this regard, each Party shall take into account the guidelines and criteria formulated by the Scientific and Technical Advisory Committee as provided for in Article 21 and which have been adopted by meetings of the Parties.

2. Such measures should include:

(a) the formulation and adoption of appropriate management guidelines for protected areas;

(b) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable to an area or areas;

(c) the conduct of scientific research on, and monitoring of, user impacts, ecological processes, habitats, species and populations; and the undertaking of activities aimed at improved management;

(d) the development of public awareness and education programmes for users, decisionmakers and the public to enhance their appreciation and understanding of protected areas and the objectives for which they were established;

(e) the active involvement of local communities, as appropriate, in the planning and management of protected areas, including assistance to, and training of, local inhabitants who may be affected by the establishment of protected areas;

(f) the adoption of mechanisms for financing the development and effective management of protected areas and facilitating programmes of mutual assistance;

(g) contingency plans for responding to incidents that could cause or threaten to cause damage to protected areas including their resources;

(h) procedures to permit, regulate or otherwise authorize activities compatible with the objectives for which the protected areas were established; and

(i) the development of qualified managers and technical personnel, as well as appropriate infrastructure.

Article 7

Co-operation Programme for, and Listing of, Protected Areas

1. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan and in accordance with their sovereignty, or sovereign rights or jurisdiction to further the objectives of the Protocol.

2. A co-operation programme will be established to support the listing of protected areas. It will assist with the selection, establishment, planning, management and conservation of protected areas, and shall create a network of protected areas. To this end, the Parties shall establish a list of protected areas. The Parties shall:

(a) recognize the particular importance of listed areas to the Wider Caribbean Region;

(b) accord priority to listed areas for scientific and technical research pursuant to Article 17;

(c) accord priority to listed areas for mutual assistance pursuant to Article 18; and

(d) not authorize or undertake activities that would undermine the purposes for which a listed area was created.

3. The procedures for the establishment of the list of protected areas are as follows:

(a) The Party that exercises sovereignty, or sovereign rights or jurisdiction over a protected area shall nominate it to be included in the list of protected areas. Such nominations will be made in accordance with the guidelines and criteria concerning the identification, selection, establishment, management, protection, and any other matter adopted by the Parties pursuant to Article 21. Each Party making a nomination shall provide the Scientific and Technical Advisory Committee through the Organization with the necessary supporting documentation, including in particular, the information noted in Article 19(2); and

(b) After the Scientific and Technical Advisory Committee evaluates the nomination and supporting documentation, it will advise the Organization as to whether the nomination fulfills the common guidelines and criteria established pursuant to Article 21. If these guidelines and criteria have been met, the Organization will advise the Meeting of Contracting Parties who will include the nomination in the List of Protected Areas.

Article 8

Establishment of Buffer Zones

Each Party to this Protocol may, as necessary, strengthen the protection of a protected area by establishing, within areas in which it exercises sovereignty, or sovereign rights or jurisdiction, one or more buffer zones in which activities are less restricted than in the protected area while remaining compatible with achieving the purposes of the protected area.

Article 9

Protected Areas and Buffer Zones Contiguous to International Boundaries

1. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the two Parties shall consult each other with a view to reaching agreement on the measures to be taken and shall, **inter alia**, examine the possibility of the establishment by the other Party of a corresponding contiguous protected area or buffer zone or the adoption by it of any other appropriate measures including co-operative management programmes.

2. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in paragraph 1.

3. Whenever it becomes known to a Party that a non-Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding the consultations referred to in paragraph 1.

4. If contiguous protected areas and/or buffer zones are established by one Party and by a State that is not a Party to this Protocol, the former should attempt, where possible, to achieve conformity with the provisions of the Convention and its Protocols.

Article 10

National Measures for the Protection of Wild Flora and Fauna

1. Each Party shall identify endangered or threatened species of flora and fauna within areas over which it exercises sovereignty, or sovereign rights or jurisdiction, and accord protected status to such species. Each Party shall regulate and prohibit according to its laws and regulations, where appropriate, activities having adverse effects on such species or their habitats and ecosystems, and carry out species recovery, management, planning and other measures to effect the survival of such species. Each Party, in keeping with its legal system, shall also take appropriate actions to prevent species from becoming endangered or threatened.

2. With respect to protected species of flora and their parts and products, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in, such species.

3. With respect to protected species of fauna, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit:

(a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species or their parts or products; and

(b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, estivation or migration, as well as other periods of biological stress.

4. Each Party shall formulate and adopt policies and plans for the management of captive breeding of protected fauna and propagation of protected flora.

5. The Parties shall, in addition to the measures specified in paragraph 3, co-ordinate their efforts, through bilateral or multilateral actions, including if necessary, any treaties for the protection and recovery of migratory species whose range extends into areas under their sovereignty, or sovereign rights or jurisdiction.

6. The Parties shall endeavour to consult with range States that are not Parties to this Protocol, with a view to co-ordinating their efforts to manage and protect endangered or threatened migratory species.

7. The Parties shall make provisions, where possible, for the repatriation of protected species exported illegally. Efforts should be made by Parties to reintroduce such species to the wild, or if unsuccessful, make provision for their use in scientific studies or for public education purposes.

8. The measures which Parties take under this Article are subject to their obligations under Article 11 and shall in no way derogate from such obligations.

Article 11

Co-operative Measures for the Protection of Wild Flora and Fauna

1. The Parties shall adopt co-operative measures to ensure the protection and recovery of endangered and threatened species of flora and fauna listed in Annexes I, II and III of the present Protocol.

(a) The Parties shall adopt all appropriate measures to ensure the protection and recovery of species of flora listed in Annex I. For this purpose, each Party shall prohibit all forms of destruction or disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in such species, their seeds, parts or products. They shall regulate activities, to the extent possible, that could have harmful effects on the habitats of the species.

(b) Each Party shall ensure total protection and recovery to the species of fauna listed in Annex II by prohibiting:

(i) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species, their eggs, parts or products;

(ii) to the extent possible, the disturbance of such species, particularly during periods of breeding, incubation, estivation or migration, as well as other periods of biological stress.

(c) Each Party shall adopt appropriate measures to ensure the protection and recovery of the species of flora and fauna listed in Annex III and may regulate the use of such species in order to ensure and maintain their populations at the highest possible levels. With regard to the species listed in Annex III, each Party shall, in co-operation with other Parties, formulate, adopt and implement plans for the management and use of such species, including:

(i) For species of fauna:

(a) the prohibition of all non-selective means of capture, killing, hunting and fishing and of all actions likely to cause local disappearance of a species or serious disturbance of its tranquility;

(b) the institution of closed hunting and fishing seasons and of other measures for maintaining their populations;

(c) the regulation of the taking, possession, transport or sale of living or dead species, their eggs, parts or products;

(ii) For species of flora, including their parts or products, the regulation of their collection, harvest and commercial trade.

2. Each Party may adopt exemptions to the prohibitions prescribed for the protection and recovery of the species listed in Annexes I and II for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage to forests or crops. Such exemptions shall not jeopardize the species and shall be reported to the Organization in order for the Scientific and Technical Advisory Committee to assess the pertinence of the exemptions granted.

3. The Parties also shall:

(a) accord priority to species contained in the annexes for scientific and technical research pursuant to Article 17;

(b) accord priority to species contained in the annexes for mutual assistance pursuant to Article 18.

4. The procedures to amend the annexes shall be as follows:

(a) any Party may nominate an endangered or threatened species of flora or fauna for inclusion in or deletion from these annexes, and shall submit to the Scientific and Technical Advisory Committee, through the Organization, supporting documentation, including, in particular, the information noted in Article 19. Such nomination will be made in accordance with the guidelines and criteria adopted by the Parties pursuant to Article 21;

(b) the Scientific and Technical Advisory Committee shall review and evaluate the nominations and supporting documentation and shall report its views to the meetings of Parties held pursuant to Article 23;

(c) the Parties shall review the nominations, supporting documentation and the reports of the Scientific and Technical Advisory Committee. A species shall be listed in the annexes by consensus, if possible, and if not, by a three-quarters majority vote of the Parties present and voting, taking fully into account the advice of the Scientific and Technical Advisory Committee that the nomination and supporting documentation meet the common guidelines and criteria established pursuant to Article 21;

(d) a Party may, in the exercise of its sovereignty or sovereign rights, enter a reservation to the listing of a particular species in an annex by notifying the Depositary in writing within 90 days of the vote of the Parties. The Depositary shall, without delay, notify all Parties of reservations received pursuant to this paragraph;

(e) a listing in the corresponding annex shall become effective 90 days after the vote for all Parties, except those which made a reservation in accordance with paragraph (d) of this Article; and

(f) a Party may at any time substitute an acceptance for a previous reservation to a listing by notifying the Depositary, in writing. The acceptance shall thereupon enter into force for that Party.

5. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan to assist with the management and conservation of protected species, and shall develop and implement regional recovery programmes for protected species in the Wider Caribbean Region, taking fully into account other existing regional conservation measures relevant to the management of those species. The Organization shall assist in the establishment and implementation of these regional recovery programmes.

Article 12

Introduction of Non-indigenous or Genetically Altered Species

Each Party shall take all appropriate measures to regulate or prohibit intentional or accidental introduction of non-indigenous or genetically altered species to the wild that may cause harmful impacts to the natural flora, fauna or other features of the Wider Caribbean Region.

Article 13

Environmental Impact Assessment

1. In the planning process leading to decisions about industrial and other projects and activities that would have a negative environmental impact and significantly affect areas or species that have been afforded special protection under this Protocol, each Party shall evaluate and take into consideration the possible direct and indirect impacts, including cumulative impacts, of the projects and activities being contemplated.

2. The Organization and the Scientific and Technical Advisory Committee shall, to the extent possible, provide guidance and assistance, upon request, to the Party making these assessments.

Article 14

Exemptions for Traditional Activities

1. Each Party shall, in formulating management and protective measures, take into account and provide exemptions, as necessary, to meet the traditional subsistence and cultural needs of its local populations. To the fullest extent possible, no exemption which is allowed for this reason shall:

(a) endanger the maintenance of areas protected under the terms of this Protocol, including the ecological processes contributing to the maintenance of those protected areas; or

(b) cause either the extinction of, or a substantial risk to, or substantial reduction in the number of, individuals making up the populations of species of fauna and flora within the protected areas, or any ecologically inter-connected species or populations, particularly migratory species and threatened, endangered or endemic species.

2. Parties which allow exemptions with regard to protective measures shall inform the Organization accordingly.

Article 15

Changes in the Status of Protected Areas or Protected Species

1. Changes in the delimitation or legal status of an area, or part thereof, or of a protected species, may only take place for significant reasons, bearing in mind the need to safeguard the environment and in accordance with the provisions of this Protocol and after notification to the Organization.

2. The status of areas and species should be periodically reviewed and evaluated by the Scientific and Technical Advisory Committee on the basis of information provided by Parties through the Organization. Areas and species may be removed from the area listing or Protocol annexes by the same procedure by which they were incorporated.

Article 16
Publicity, Information, Public Awareness and Education

1. Each Party shall give appropriate publicity to the establishment of protected areas, in particular to their boundaries, buffer zones, and applicable regulations, and to the designation of protected species, in particular to their critical habitats and applicable regulations.

2. In order to raise public awareness, each Party shall endeavour to inform the public, as widely as possible, of the significance and value of the protected areas and species and of the scientific knowledge and other benefits which may be gained from them or any changes therein. Such information should have an appropriate place in education programmes concerning the environment and history. Each Party should also endeavour to promote the participation of its public and its conservation organizations in measures that are necessary for the protection of the areas and species concerned.

Article 17
Scientific, Technical and Management Research

1. Each Party shall encourage and develop scientific, technical and management-oriented research on protected areas, including, in particular, their ecological processes and archaeological, historical and cultural heritage, as well as on threatened or endangered species of fauna and flora and their habitats.

2. Each Party may consult with other Parties and with relevant regional and international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary to characterize and monitor protected areas and species and to assess the effectiveness of measures taken to implement management and recovery plans.

3. The Parties shall exchange, directly or through the Organization, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, co-ordinate their research and monitoring programmes, and endeavour to standardize procedures for collecting, reporting, archiving and analyzing relevant scientific and technical information.

4. The Parties shall, pursuant to the provisions of paragraph 1 above, compile comprehensive inventories of:

(a) areas over which they exercise sovereignty, or sovereign rights or jurisdiction that contain rare or fragile ecosystems; that are reservoirs of biological or genetic diversity; that are of ecological value in maintaining economically important resources; that are important for threatened, endangered or migratory species; that are of value for aesthetic, recreational, tourist or archaeological reasons; and

(b) species of fauna or flora that may qualify for listing as threatened or endangered according to the criteria established under this Protocol.

Article 18
Mutual Assistance

1. The Parties shall co-operate, directly or with the assistance of the Organization or other relevant international organizations, in formulating, drafting, financing and implementing programmes of assistance to those Parties that express a need for it in the selection, establishment and management of protected areas and species.

2. These programmes should include public environmental education, the training of scientific, technical and management personnel, scientific research, and the acquisition, utilization, design and development of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 19

Notifications and Reports to the Organization

1. Each Party shall report periodically to the Organization on:

(a) the status of existing and newly established protected areas, buffer zones and protected species in areas over which they exercise sovereignty, or sovereign rights or jurisdiction; and

(b) any changes in the delimitation or legal status of protected areas, buffer zones and protected species in areas over which they exercise sovereignty, or sovereign rights or jurisdiction.

2. The reports relevant to the protected areas and buffer zones should include information on:

(a) name of the area or zone;

(b) biogeography of the area or zone (boundaries, physical features, climate, flora and fauna);

(c) legal status, with reference to relevant national legislation or regulation;

(d) date and history of establishment;

(e) protected area management plans;

(f) relevance to cultural heritage;

(g) facilities for research and visitors; and

(h) threats to the area or zone, especially threats which originate outside the jurisdiction of the Party.

3. The reports relevant to the protected species should include, to the extent possible, information on:

(a) scientific and common names of the species;

(b) estimated populations of species and their geographic ranges;

(c) status of legal protection, with reference to relevant national legislation or regulation;

(d) ecological interactions with other species and specific habitat requirements;

(e) management and recovery plans for endangered and threatened species;

(f) research programmes and available scientific and technical publications reliant to the species; and

(g) threats to the protected species, their habitats and their associated ecosystems, especially threats which originate outside the jurisdiction of the Party.

4. The reports provided to the Organization by the Parties will be used for the purposes outlined in Articles 20 and 22.

Article 20

Scientific and Technical Advisory Committee

1. A Scientific and Technical Advisory Committee is hereby established.

2. Each Party shall appoint a scientific expert appropriately qualified in the field covered by the Protocol as its representative on the Committee, who may be accompanied by other experts and advisors appointed by that Party. The Committee may also seek information from scientifically and technically qualified experts and organizations.

3. The Committee shall be responsible for providing advice to the Parties through the Organization on the following scientific and technical matters relating to the Protocol:

(a) the listing of protected areas in the manner provided for in Article 7;

(b) the listing of protected species in the manner provided for in Article 11;

(c) reports on the management and protection of protected areas and species and their habitats;

(d) proposals for technical assistance for training, research, education and management (including species recovery plans);

(e) environmental impact assessment pursuant to Article 13;

(f) the formulation of common guidelines and criteria pursuant to Article 21; and

(g) any other matters relating to the implementation of the Protocol, including those matters referred to it by the meetings of the Parties.

4. The Committee shall adopt its own Rules of Procedure.

Article 21

Establishment of Common Guidelines and Criteria

1. The Parties shall at their first meeting, or as soon as possible thereafter, evaluate and adopt common guidelines and criteria formulated by the Scientific and Technical Advisory Committee dealing in particular with:

(a) the identification and selection of protected areas and protected species;

(b) the establishment of protected areas;

(c) the management of protected areas and protected species including migratory species; and

(d) the provision of information on protected areas and protected species, including migratory species.

2. In implementing this Protocol, the Parties shall take into account these common guidelines and criteria, without prejudicing the right of a Party to adopt more stringent guidelines and criteria.

Article 22

Institutional Arrangements

1. Each Party shall designate a Focal Point to serve as liaison with the Organization on the technical aspects of the implementation of this Protocol.

2. The Parties designate the Organization to carry out the following Secretariat functions:

(a) convening and servicing the meetings of the Parties;

(b) assisting in raising funds as provided for in Article 24;

(c) assisting the Parties and the Scientific and Technical Advisory Committee, in co-operation with the competent international, intergovernmental and non-governmental organizations in:

- facilitating programmes of technical and scientific research as provided for in Article 17;
- facilitating the exchange of scientific and technical information among the Parties as provided for in Article 16;
- the formulation of recommendations containing common guidelines and criteria pursuant to Article 21;
- the preparation, when so requested, of management plans for protected areas and protected species pursuant to Articles 6 and 10 respectively;
- the development of co-operative programmes pursuant to Articles 7 and 11;
- the preparation, when so requested, of environmental impact assessments pursuant to Article 13;
- the preparation of educational materials designed for various groups identified by the Parties;
- the repatriation of illegally exported wild flora and fauna and their parts or products;

(d) preparing common formats to be used by the Parties as the basis for notifications and reports to the organization, as provided in Article 19;

(e) maintaining and updating databases of protected areas and protected species containing information pursuant to Articles 7 and 11, as well as issuing periodically updated directories of protected areas and protected species;

(f) preparing directories, reports and technical studies which may be required for the implementation of this Protocol;

(g) co-operating and coordinating with regional and international organizations concerned with the protection of areas and species; and

(h) carrying out any other function assigned by the Parties to the Organization.

Article 23
Meetings of the Parties

1. The ordinary meetings of the Parties shall be held in conjunction with the ordinary meetings of the Parties to the Convention held pursuant to Article 16 of the Convention. The Parties may also hold extraordinary meetings in conformity with Article 16 of the Convention. The meetings will be governed by the Rules of Procedure adopted pursuant to Article 20 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol:

(a) to keep under review and direct the implementation of this Protocol;

(b) to approve the expenditure of funds referred to in Article 24;

(c) to oversee and provide policy guidance to the Organization;

(d) to consider the efficacy of the measures adopted for the management and protection of areas and species, and to examine the need for other measures, in particular in the form of annexes, as well as amendments to this Protocol or to its annexes;

(e) to monitor and promote the establishment and development of the network of protected areas and recovery plans for protected species provided for in Articles 7 and 11;

(f) to adopt and revise, as needed, the guidelines and criteria provided for in Article 21;

(g) to analyze the advice and recommendations of the Scientific and Technical Advisory Committee pursuant to Article 20;

(h) to analyze reports transmitted by the Parties to the Organization under Article 22 of the Convention and Article 19 of this Protocol, as well as any other information which the Parties may transmit to the Organization or to the meeting of the Parties; and

(i) to conduct such other business as appropriate.

Article 24
Funding

In addition to the funds provided by the Parties in accordance with paragraph 2, Article 20 of the Convention, the Parties may direct the Organization to seek additional funds. These may include voluntary contributions for purposes connected with the Protocol from Parties, other governments, government agencies, non-governmental, international, regional and private sector organizations and individuals.

Article 25
Relationship to other Conventions Dealing with the Special Protection of Wildlife

Nothing in this Protocol shall be interpreted in a way that may affect the rights and obligations of Parties under the Convention on International Trade in Endangered Species of Wild Fauna or Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Article 26
Transitional Clause

1. The initial version of the annexes, which constitutes an integral part of the Protocol, shall be adopted by consensus at a Conference of Plenipotentiaries of the Contracting Parties to the Convention.

Article 27
Entry into Force

1. The Protocol and its annexes, once adopted by the Contracting Parties to the Convention, will enter into force in conformity with the procedure established in paragraph 2 of Article 28 of the Convention.

2. The Protocol shall not enter into force until the initial annexes have been adopted in accordance with Article 26.

Article 28
Signature

This Protocol shall be open for signature at Kingston, from 18 January 1990 to 31 January 1990 and at Bogotá from 1 February 1990 to 17 January 1991 by any Party to the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at Kingston, on this eighteenth day of January one thousand nine hundred and ninety in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX I

List of Species of Marine and Coastal Flora Protected Under Article 11 (1) (a)

TRACHAEOPHYTA (Vascular Plants)

Family	Genus	Species
Aquifoliaceae	*Ilex*	*cookii*
Bignoniaceae	*Crescentia*	*mirabilis*
Bignoniaceae	*Crescentia*	*portoricensis*
Boraginaceae	*Cordia*	*wagnerorum*
Buxaceae	*Buxus*	*vahlii*
Cactaceae	*Echinocereus*	*reichenbachii var. albertii*
Cactaceae	*Harrisia*	*fragrans*
Cactaceae	*Harrisia*	*portoricensis*
Cactaceae	*Leptocereus*	*grantianus*
Cactaceae	*Leptocereus*	*wrightii*
Cactaceae	*Melocactus*	*guitartii*
Cactaceae	*Melocactus*	*harlowii* sensu lato
Cactaceae	*Pilosocereus*	*deeringii*
Cactaceae	*Pilosocereus*	*robinii*
Convolvulaceae	*Bonamia*	*grandiflora*
Convolvulaceae	*Ipomoea*	*flavopurpurea*
Convolvulaceae	*Ipomoea*	*walpersiana*
Cyatheaceae	*Cyathea*	*dryopteroides*
Cyperaceae	*Rhynchospora*	*bucherorum*
Dioscoreaceae	*Rajania*	*theresensis*
Ericaceae	*Rhododendron*	*chapmanii*
Euphorbiaceae	*Andrachne*	*brittonii*
Euphorbiaceae	*Bernardia*	*venosa*
Euphorbiaceae	*Cnidoscolus*	*fragrans*
Euphorbiaceae	*Drypetes*	*triplinervia*
Flacourtiaceae	*Banaras*	*vanderbiltii*
Flacourtiaceae	*Samyda*	*microphylla*
Hydrophyllaceae	*Hydrolea*	*torroei*
Icacinaceae	*Ottoschulzia*	*rhodoxylon*

Family	Genus	Species
Leguminosae (Fabaceae)	*Acacia*	*cupeyensis*
Leguminosae	*Acacia*	*roigii*
Leguminosae	*Stahlia*	*monosperma*
Liliaceae	*Harperocallis*	*flava*
Loranthaceae	*Dendropemon*	*acutifolius*
Malvaceae	*Abutilon*	*virginianum*
Meliaceae	*Trichilia*	*triacantha*
Olacaceae	*Ximenia*	*roigii*
Orchidaceae	*Brachionidium*	*ciliolatum*
Orchidaceae	*Cranichis*	*ricartii*
Orchidaceae	*Lapanthes*	*eltoroensis*
Orchidaceae	*Oncidium*	*jacquinianum*
Palmae (Arecaceae)	*Calyptronoma*	*rivalis*
Piperaceae	*Peperomia*	*wheeleri*
Rhamnaceae	*Doerpfeldia*	*cubensis*
Rubiaceae	*Catesbaea*	*macracantha*
Rubiaceae	*Phyllacanthus*	*grisebachianus*
Rubiaceae	*Rondeletia*	*apiculata*
Rubiaceae	*Rondeletia*	*rugelii*
Rutaceae	*Zanthoxylum*	*thomasianum*
Solanaceae	*Goetzea*	*elegans*
Theaceae	*Ternstroemia*	*luquillensis*
Theophrastaceae	*Jacquinia*	*curtissii*
Thymelaeaceae	*Daphnopsis*	*helleriana*
Verbenaceae	*Cornutia*	*obovata*
Verbenaceae	*Duranta*	*parviflora*
Verbenaceae	*Nashia*	*myrtifolia*

ANNEX II

List of Species of Marine and Coastal Fauna Protected Under Article 11 (1) (b)

Class:	**GASTROPODA**	
Order:	PULMONATA	
Family	Genus	Species
Bulimulidae	*Orthalicus*	*reses reses*
Class:	**OSTEICHTHYES**	
Order:	PERCIFORMES	
Family	Genus	Species
Percidae	*Etheostoma*	*okaloosae*
Percidae	*Etheostoma*	*rubrum*

Class:	**AMPHIBIA**	
Order:	ANURA	
Family	Genus	Species
Bufonidae	*Bufo*	*houstonensis*
Bufonidae	*Peltophryne*	*lemur*
Hylidae	*Amphodus*	*auratus*
Leptodactylidae	*Eleutherodactylus*	*barlagnei*
Leptodactylidae	*Eleutherodactylus*	*jasperi*
Leptodactylidae	*Eleutherodactylus*	*johnstonei*
Leptodactylidae	*Eleutherodactylus*	*martinicensis*
Leptodactylidae	*Eleutherodactylus*	*pinchoni*
Leptodactylidae	*Sminthilus*	*limbatus*
Order:	CAUDATA	
Family	Genus	Species
Plethodontidae	*Phaeognathus*	*hubrichti*
Class:	**REPTILIA**	
Order:	CROCODILIA	
Family	Genus	Species
Alligatoridae	*Melanosuchus*	*niger*
Crocodilidae	*Crocodylus*	*acutus*
Crocodilidae	*Crocodylus*	*intermedius*
Crocodilidae	*Crocodylus*	*moreletii*
Order:	SQUAMATA	
Family	Genus	Species
Boidae	*Epicrates*	*inornatus*
Boidae	*Epicrates*	*monensis granti*
Boidae	*Epicrates*	*monensis monensis*
Colubridae	*Nerodia*	*fasciata taeniata*
Gekkonidae	*Sphaerodactylus*	*micropithecus*
Iguanidae	*Anolis*	*roosevelti*
Iguanidae	*Cyclura*	*carinata*
Iguanidae	*Cyclura*	*collei*
Iguanidae	*Cyclura*	*cyclura*
Iguanidae	*Cyclura*	*nubila*
Iguanidae	*Cyclura*	*pinguis*
Iguanidae	*Cyclura*	*ricordii*
Iguanidae	*Cyclura*	*rileyi*
Iguanidae	*Cyclura*	*stejnegeri*
Scincidae	*Eumeces*	*egregius*

Scincidae	*Neoseps*	*reynoldsi*
Teiidae	*Ameiva*	*polops*
Typhlopidae	*Typhlops*	*guadeloupensis*

Order: TESTUDINES

Family	Genus	Species
Cheloniidae	*Caretta*	*caretta*
Cheloniidae	*Chelonia*	*mydas*
Cheloniidae	*Eretmochelys*	*imbricata*
Cheloniidae	*Lepidochelys*	*kempii*
Cheloniidae	*Lepidochelys*	*olivacea*
Dermochelyidae	*Dermochelys*	*coriacea*
Emydidae	*Graptemys*	*oculifera*
Emydidae	*Pseudemys*	*alabamensis*
Testudinidae	*Gopherus*	*polyphemus*

Class: AVES

Order: PROCELLARIIFORMES

Family	Genus	Species
Hydrobatidae	*Hydrobates*	*pelagicus*
Procellariidae	*Puffinus*	*lherminieri*

Order: PELECANIFORMES

Family	Genus	Species
Pelecanidae	*Pelecanus*	*occidentalis*

Order: CICONIIFORMES

Family	Genus	Species
Ciconiidae	*Jabiru*	*mycteria*
Ciconiidae	*Mycteria*	*americana*

Order: FALCONIFORMES

Family	Genus	Species
Accipitridae	*Chondrohierax*	*uncinatus*
Accipitridae	*Haliaeetus*	*leucocephalus*
Accipitridae	*Harpia*	*harpyja*
Accipitridae	*Rostrhamus*	*sociabilis plumbeus*
Falconidae	*Falco*	*femoralis septentrionalis*
Falconidae	*Falco*	*peregrinus*
Falconidae	*Polyborus*	*plancus*

Order:	GALLIFORMES	
Family	Genus	Species
Cracidae	*Aburria (= Pipile)*	*pipile*
Phasianidae	*Tympanuchus*	*cupido attwateri*
Order:	GRUIFORMES	
Family	Genus	Species
Gruidae	*Grus*	*americana*
Gruidae	*Grus*	*canadensis nesiotes*
Gruidae	*Grus*	*canadensis pulla*
Order:	CHARADRIIFORMES	
Family	Genus	Species
Charadriidae	*Charadrius*	*melodus*
Laridae	*Sterna*	*antillarum antillarum*
Laridae	*Sterna*	*dougallii dougallii*
Scolopacidae	*Numenius*	*borealis*
Order:	COLUMBIFORMES	
Family	Genus	Species
Columbidae	*Columba*	*inornata wetmorei*
Order:	PSITTACIFORMES	
Family	Genus	Species
Psittacidae	*Amazona*	*arausica*
Psittacidae	*Amazona*	*barbadensis*
Psittacidae	*Amazona*	*guildingii*
Psittacidae	*Amazona*	*imperialis*
Psittacidae	*Amazona*	*leucocephala*
Psittacidae	*Amazona*	*versicolor*
Psittacidae	*Amazona*	*vittata*
Psittacidae	*Ara*	*macao*
Order:	CAPRIMULGIFORMES	
Family	Genus	Species
Caprimulgidae	*Caprimulgus*	*noctitherus*
Order:	PICIFORMES	
Family	Genus	Species
Picidae	*Picoides*	*borealis*

Order:	PASSERIFORMES	
Family	Genus	Species
Corvidae	*Aphelocoma*	*coerulescens cyanotis*
Corvidae	*Corvus*	*leucognaphalus*
Emberezidae	*Carduelis*	*cucullata*
Emberezidae	*Vermivora*	*bachmanii*
Emberizidae	*Ammodramus*	*maritimus mirabilis*
Emberizidae	*Ammodramus*	*savannarum floridanus*
Emberizidae	*Dendroica*	*kirtlandii*
Mimidae	*Cinclocerthia*	*ruficauda*
Mimidae	*Ramphocinclus*	*brachyurus*

Class:	**MAMMALIA**	
Order:	CARNIVORA	
Family	Genus	Species
Canidae	*Speothos*	*venaticus*
Felidae	*Felis*	*pardalis*
Felidaes	*Felis*	*tigrina*
Felidae	*Felis*	*wiedii*
Felidae	*Felis*	*yagouaroundi*
Phocidae	*All spp.*	
Mustelidae	*Pteronura*	*brasiliensis*
Ursidae	*Tremarctos*	*ornatus*
Order:	CETACEA	
All spp.		
Order:	CHIROPTERA	
Family	Genus	Species
Molossidae	*Tadarida*	*brasiliensis*
Mormoopidae	*Pteronotus*	*davyi*
Phyllostomatidae	*Ardops*	*nicollsi*
Phyllostomatidae	*Brachyphylla*	*cavernarum*
Phyllostomatidae	*Chiroderma*	*improvisum*
Vespertilionidae	*Eptesicus*	*guadeloupensis*
Order:	EDENTATA	
Family	Genus	Species
Dasypodidae	*Priodontes*	*maximus (= giganteus)*

Order:	LAGOMORPHA	
Family	Genus	Species
Leporidae	*Sylvilagus*	*palustris hefneri*
Order:	MARSUPIALIA	
Family	Genus	Species
Didelphidae	*Chironectes*	*minimus*
Order:	PRIMATES	
Family	Genus	Species
Cebidae	*Alouatta*	*palliata*
Order:	RODENTIA	
Family	Genus	Species
Capromyidae	*Capromys (= Mesocapromys)*	*angelcabrerai*
Capromyidae	*Capromys*	*auritus*
Capromyidae	*Capromys*	*garridoi*
Capromyidae	*Capromys*	*nanus*
Capromyidae	*Capromys*	*sanfelipensis*
Dasyproctidae	*Dasyprocta*	*guamara*
Muridae	*Neotoma*	*floridana smalli*
Muridae	*Peromyscus*	*gossypinus allapaticola*
Muridae	*Peromyscus*	*polionotus allophrys*
Muridae	*Peromyscus*	*polionotus ammobates*
Muridae	*Peromyscus*	*polionotus niveiventris*
Muridae	*Peromyscus*	*polionotus phasma*
Muridae	*Peromyscus*	*polionotus trissyllepsis*
Order:	SIRENIA	
All spp.		

ANNEX III

List of Species of Marine and Coastal Flora and Fauna Protected Under Article 11 (1) (c)

FLORA

TRACHAEOPHYTA (Vascular Plants)

Family	Genus	Species
Agavaceae	*Nolina*	*brittoniana*
Asclepiadaceae	*Asclepias*	*viridula*
Cactaceae	*Melocactus*	*intortus*
Cactaceae	*Opuntia (= Consolea)*	*macracantha*
Combretaceae	*Conocarpus*	*erectus*
Combretaceae	*Laguncularia*	*racemosa*
Compositae (Asteraceae)	*Verbesina*	*chapmanii*
Cymodoceaceae	*Halodule*	*wrightii (= ciliata / bermudensis / beaudettei)*
Cymodoceaceae	*Syringodium*	*filiforme (= Cymodocea manitorum)*
Euphorbiaceae	*Chamaesyce*	*deltoidea ssp. serpyllum*
Euphorbiaceae	*Euphorbia*	*telephioides*
Gramineae (Poaceae)	*Schizachyrium*	*niveum*
Hydrocharitacea	*Thalassia*	*testudinum*
Hydrocharitaceae	*Halophila*	*baillonis (= aschersonii)*
Hydrocharitaceae	*Halophila*	*decipiens*
Hydrocharitaceae	*Halophila*	*engelmannii*
Iridaceae	*Salpingostylis*	*coelestina*
Labiatae (Lamiaceae)	*Conradina*	*glabra*
Labiatae	*Hedeoma*	*graveolens*
Labiatae	*Macbridea*	*alba*
Labiatae	*Scutellaria*	*floridana*
Leguminosae (Fabaceae)	*Chamaecrista*	*lineata var. keyensis*
Leguminosae	*Clitoria*	*fragrans*
Leguminosae	*Vicia*	*ocalensis*
Lentibulariaceae	*Pinguicula*	*ionantha*
Lythraceae	*Cuphea*	*aspera*
Nyctaginaceae	*Caribea*	*littoralis*
Orchidaceae	*Elleanthus*	*dussii*
Orchidaceae	*Epidendrum*	*mutelianum*
Palmae (Arecaceae)	*Roystonea*	*elata*
Palmae	*Roystonea*	*oleracea*
Palmae	*Syagrus (= Rhyticocos)*	*amara*
Polygalaceae	*Polygala*	*lewtonii*
Polygonaceae	*Eriogonum*	*longifolium var. gnaphaliolium*
Rhizophoraceae	*Rhizophora*	*mangle*
Ruppiaceae	*Ruppia*	*maritima*
Taxaceae	*Taxus*	*floridana*
Verbenaceae	*Avicennia*	*germinans (= nitida)*
Verbenaceae	*Verbena*	*tampensis*
Zygophyllaceae	*Guaiacum*	*officinale*

FAUNA

Class:	**HYDROZOA**	
Order:	MILLEPORINA	
Family		
Milleporidae	*All spp.*	
Order:	STYLASTERINA	
Family		
Stylasteridae	*All spp.*	
Class:	**ANTHOZOA**	
Order:	ANTIPATHARIA	
All spp.		
Order:	GORGONIACEA	
All spp.		
Order:	SCLERACTINIA	
All spp.		
Class:	**PELECYPODA**	
Order:	EULAMELLIBRANCHIA	
Family	Genus	Species
Margaritiferidae	*Margaritifera*	*hembeli*
Class:	**MOLLUSCA**	
Order:	MESOGASTROPODA	
Family	Genus	Species
Strombidae	*Strombus*	*gigas*
Class:	**CRUSTACEA**	
Order:	DECAPODA	
Family	Genus	Species
*Panulirida*e	*Panulirus*	*argus*
Class:	**REPTILIA**	
Order:	CROCODILIA	
Family	Genus	Species
Crocodilidae	*Crocodylus*	*rhombifer*

Order:	SQUAMATA	
Family	Genus	Species
Boidae	*Boa*	*constrictor*
Iguanidae	*Iguana*	*delicatissima*
Iguanidae	*Iguana*	*iguana*
Order:	TESTUDINES	
Family	Genus	Species
Kinosternidae	*Kinosternon*	*scorpioides*
Pelomedusidae	*Podocnemis*	*cayennensis*
Pelomedusidae	*Podocnemis*	*vogli*
Class:	**AVES**	
Order:	CICONIIFORMES	
Family	Genus	Species
Threskiornithidae	*Eudocimus*	*ruber*
Order:	ANSERIFORMES	
Family	Genus	Species
Anatidae	*Cairina*	*moschata*
Anatidae	*Dendrocygna*	*arborea*
Anatidae	*Dendrocygna*	*bicolor*
Order:	FALCONIFORMES	
Family	Genus	Species
Cathartidae	*Sarcoramphus*	*papa*
Order:	PHOENICOPTERIFORMES	
Family	Genus	Species
Phoenicopteridae	*Phoenicopterus*	*ruber*
Order:	PSITTACIFORMES	
Family	Genus	Species
Psittacidae	*Amazona*	*ochrocephala*
Psittacidae	*Ara*	*ararauna*
Psittacidae	*Ara*	*chloroptera*
Psittacidae	*Ara*	*manilata*

MULTILATERAL

MARINE POLLUTION

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